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OF THE

SEVENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

OF THE

TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID
TERRITORY, ON THE 4th DAY OF DECEMBER,
A.D., 1871, AND CONCLUDED JANUARY
12th, A.D., 1872.

PUBLISHED BY AUTHORITY.

"NEW NORTH WEST," DEER LODGE, MONTANA.
JAMES H. MILLS, PUBLIC PRINTER,
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MEMBERS OF THE COUNCIL.

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W. E. BASS,

JOHN BILLINGS.

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W. W. DIXON,

JAMES GAROUTTE,

H. JORDAN,

N. D. JOHNSON,

T. J. LOWRY,

F. M. LOWREY,

C. A. McCABE,

J. C. METLIN,

P. H. POINDEXTER,

C. PUETT,

S. F. RALSTON,

DANIEL SEARLES,

H. D. SMITH,

S. M. TRIPP,

C. M. TATE,

R. P. VIVION,

O. C. WHITNEY,

JOHN WILLIAMS,

*——— WRIGHT.

*Did not appear and qualify.

BENJ. EZEKIEL, *Chief Clerk.*

BENJ. S. WORD, *Ass't Clerk.*

J. D. ALPORT, *Engrossing Clerk.*

W. FREEMAN, *Enrolling Clerk.*

P. H. MALONY, *Serg't-at-Arms.*

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SECRETARY,		
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2d District—HIRAM KNOWLES, <i>Associate Justice</i> ,		DEER LODGE.
3d District—D. S. WADE, <i>Chief Justice</i> ,		HELENA.
U. S. DISTRICT ATTORNEY,		
*WILBER F. SANDERS,		HELENA.
*Resigned.		
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WM. F. WHEELER,		HELENA.
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HOUSE JOURNAL.

SEVENTH SESSION.

FIRST DAY.

December 4, 1871.

In pursuance of Law, the House of Representatives of the Seventh Legislative Assembly of the Territory of Montana was called to order by Ben. Ezekiel (Assistant Clerk of the House, in the absence of G. W. Rockfellow, Chief Clerk) at 12 o'clock M., on Monday, December 4, 1871, at the Hall of the House of Representatives, Virginia City, Montana Territory.

Roll of the House called—members present, Messrs. Aiken, Comley, Garoutte, Jordan, Johnson, Lowry, of Lewis and Clarke, McCabe, Ralston, Searles, Tripp, Whitney, and Williams—12.

On motion of Mr. Lowry, of Lewis and Clark, Mr. Jordan was appointed Speaker, *pro tem*.

On motion of Mr. Johnson, Ben. Ezekiel was appointed Chief Clerk, *pro tem*.

On motion of Mr. Searles, H. Wilkinson was appointed Sergeant-at-arms, *pro tem*.

Mr. Comley moved that a committee of three be appointed a Committee on Credentials. Carried.

Chair appointed Messrs. Searles, Tripp, and Aiken.

Moved by Mr. Johnson that the House adjourn until 12 M., to-morrow.

Amended by Mr. Searles, to meet at 4 P. M., to-day. Motion, as amended, carried.

House adjourned until 4 P. M.

FOUR O'CLOCK, P. M.

House met, pursuant to adjournment, Mr. Jordan in the chair.

Roll called—present, Messrs. Aiken, Bass, Comley, Clem, Garoutte, Jordan, Johnson, Lowry, of Lewis and Clarke, McCabe, Metlin, Puett, Ralston, Searles, Tripp, Vivion, Whitney, and Williams—17.

Absent, Messrs. Billing, Dixon, Lowry, of Jefferson, Poindexter, Tate, Smith, and Wright—7.

Committee on Credentials reported as follows:—

We, the Committee on Credentials, have examined the certificates of election of the named members of the House of Representatives of the Seventh Assembly of the Territory of Montana, and find them legal and correct.

First District—Madison County—N. D. Johnson, S. M. Tripp, O. C. Whitney, and James Garoutte.

Second District—Deer Lodge County—C. A. McCabe, E. D. Aiken, and John Williams.

Third District—Lewis and Clarke County—H. R. Comley, Daniel Searles, S. F. Ralston, and T. J. Lowry.

Fourth District—Beaver Head County—J. C. Metlin.

Fifth District—Missoula County—W. E. Bass.

Sixth District—Choteau County.

Seventh District—Meagher County—Israel Clem and Coleman Puett.

Eighth District—Jefferson County—Harrison Jordan.

Ninth District—Gallatin and Big Horn Counties—R. P. Vivion.
All of which is respectfully submitted.

DANIEL SEARLES,
E. D. AIKEN,
S. M. TRIPP.

On motion of Mr. Johnson, report was received.

Mr. Lowry, of Lewis and Clarke, moved that the report be re-committed to the Committee on Credentials, and that they report at the next House. Carried.

On motion of Mr. Johnson, the House adjourned until 12 M., to-morrow.

SECOND DAY.

December 5, 1871.

House met at 12 o'clock, M., pursuant to adjournment, H. Jordan, Speaker, *pro tem*, in the chair.

Roll called—present, Messrs. Aiken, Bass, Clemm, Comley, Garoutte, Jordan, Johnson, Lowry, of Lewis and Clarke, Metlin, McCabe, Poindexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, and Williams.

Absent, Messrs. Billing, Dixon, Lowry, of Jefferson, Tate, and Wright.

Journal of yesterday read and approved.

Committee on Credentials reported P. H. Poindexter entitled to a seat in the House, as a member of the Fourth District, Beaver Head County.

Mr. Comley moved the report be adopted. Carried.

Mr. Comley moved that a committee of three be appointed to request some proper officer to administer the oath of office to the members. Carried.

Mr. Vivion moved that the committee be instructed to invite the Hon. J. L. Murphy, Associate Justice of the Supreme Court, to administer the oath. Carried.

Chair appointed as said committee Messrs. Comley, Johnson, and Vivion.

Judge Murphy was then introduced by Mr. Comley, and administered the oath to the members.

Mr. Searles moved that the House now go into permanent organization. Carried.

Mr. Searles moved that the voting for the election of officers be by ballot. Carried.

The nomination of candidates for Speaker being first in order,

Mr. Searles nominated H. R. Comley, of Lewis and Clarke County.

Mr. Johnson nominated T. J. Lowry, of Lewis and Clarke.

On motion of Mr. Vivion, two tellers were appointed, Vivion and Whitney.

The vote for Speaker resulted as follows —

Mr. Comley received 15 votes.

Mr. Lowry received 2 votes.

Blank, 1.

On count of votes the Speaker, *pro tem.*, declared Mr. Comley permanent Speaker of the House.

On motion of Mr. Searles, a committee of two were appointed to conduct the Speaker elect to the chair.

The chair appointed Messrs. Searles and Aiken.

Mr. Comley was then conducted by the committee to the chair, and introduced to the House.

Mr. Comley having taken the chair, and nomination for Chief Clerk being next in order,

Mr. Johnson nominated Ben. Ezekiel, of Madison.

Mr. Williams nominated Ben. S. Word, of Lewis and Clarke.

The vote resulted as follows :—

Ben. Ezekiel received 10 votes.

Ben. S. Word received 8 votes.

Ben. Ezekiel having received a majority of all the votes cast, was declared duly elected Chief Clerk of the House.

The election for Assistant Clerk being in order,

Mr. Searles moved that the rules be suspended, and B. S. Word be elected Assistant Clerk by acclamation. Motion lost.

Mr. Searles nominated B. S. Word, for Assistant Clerk.

Mr. Johnson nominated G. Crane, for Assistant Clerk.

Vote resulted as follows :—

B. S. Word received 14 votes.

G. Crane received 3 votes.

Scattering, 1.

B. S. Word, having received a majority of all the votes cast, was declared elected Assistant Clerk of the House.

On motion of Mr. Searles, House took a recess until three o'clock, P. M.

THREE O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—Present, Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, Williams, and Mr. Speaker.

Absent—Messrs. Billings, Dixon, Smith, Tate, and Wright.

Committee on Credentials reported Mr. F. M. Lowry, of Jefferson County, entitled to a seat in this House.

On motion of Mr. Jordan, report adopted. Mr. Lowry was then sworn in by the Speaker.

Mr. Searles moved that a vote of thanks of this House be tendered to the Hon. J. L. Murphy, for his kindness in swearing in the members of the House. Carried.

Mr. Searles moved that a vote of thanks be tendered to Hon. H. Jordan, for the impartial manner in which he discharged the duties of Speaker, *pro tem.*, of this House. Carried.

The nominations for Engrossing Clerk being next in order,

Mr. Searles nominated James McAdams.

Mr. Bass nominated J. D. Alport.

Mr. Johnson nominated Robert Hedge.

The vote resulted as follows:—

James McAdams received 6 votes.

J. D. Alport received 11 votes.

R. Hedge received 1 vote.

J. D. Alport, having received a majority of all the votes cast, was declared by the Speaker duly elected Engrossing Clerk of this House.

Nominations for Enrolling Clerk being next in order,

Mr. Aiken nominated Robert Hedge.

Mr. Lowry, of Jefferson, nominated W. Freeman.

Mr. Bass nominated J. C. Hutchison.

Mr. Tripp nominated James McAdams.

The vote resulted as follows:—

First ballot.

Robert Hedge received 1 vote.

W. Freeman received 9 votes.

J. C. Hutchinson received 6 votes.

James McAdams received 3 votes.

There being no election, the second ballot was taken, resulting as follows :—

W. Freeman received 11 votes.

J. C. Hutchinson received 6 votes.

James McAdams received 2 votes.

W. Freeman, having received a majority of all the votes cast, was declared by the Speaker duly elected Enrolling Clerk of this House.

The nominations for Sergeant-at-arms being next in order,

Mr. Searles nominated P. H. Maloney.

Mr. Searles moved a suspension of the rules, and that P. H. Maloney be declared Sergeant-at-arms by acclamation. Carried.

Whereupon Mr. Speaker declared P. H. Maloney Sergeant-at-arms of this House.

Nominations for a Doorkeeper being next in order,

Mr. Aiken nominated L. B. Bell.

Mr. Johnson nominated Thomas Bennett.

The vote resulted as follows :—

L. B. Bell received 11 votes.

Thomas Bennett received 8 votes.

L. B. Bell, having received a majority of all the votes cast, was declared by the Speaker duly elected Doorkeeper of this House.

Nominations for Fireman being next in order,

Mr. Ralston nominated K. D. D. Wright.

Mr. Jordan nominated W. A. Cooly.

The vote resulted as follows :—

K. D. D. Wright received 11 votes.

W. A. Cooly received 7 votes.

K. D. D. Wright, having received the majority of all the votes cast, was declared by the Speaker duly elected Fireman of this House.

Nominations for two Pages being next in order,

Mr. Lowry, of Lewis and Clarke, nominated Master Orten.

Mr. Garoutte nominated Master Johnson.

Mr. Tripp nominated Master Reese.

Mr. Ralston nominated Master Harbert.

Mr. Johnson nominated Master Maloney.

Mr. Jordan nominated Master Harris.

The vote resulted as follows :—

Master Orten received 10 votes.

Master Johnson received 6 votes.

Master Reese received 11 votes.

Master Harbert received 4 votes.

Master Maloney received 5 votes.

Master Harris received 2 votes.

Masters Reese and Orten, having received the majority of all the votes cast, were declared by the Speaker duly elected Pages of this House.

Nominations for Chaplain being next in order,

Mr. Jordan nominated Rev. Hugh Duncan.

On motion of Mr. Johnson, the rules were suspended, and Rev. Hugh Duncan was elected Chaplain by acclamation.

Mr. Speaker then swore in the Clerks and other attachés of the House.

Mr. Searles moved that the reporters of the press of the territory be invited to seats within the bar of the House. Carried.

Mr. Lowry, of Lewis and Clarke, moved that a Committee of Three on Rules be appointed. Carried.

Chair appointed as such committee Messrs. Lowry, of Lewis and Clarke, Jordan, and Johnson.

On motion of Mr. Searles, a Committee of Three was appointed to inform the Council that the House had organized.

Chair appointed as such committee Messrs. Searles, Aiken, and Vivion.

Mr. Lowry, of Lewis and Clarke, moved that a Committee of Three be appointed to inform the Governor of the organization of the House. Carried.

Chair appointed as such committee Messrs. Lowry, of Lewis and Clarke, Aiken, and Tripp.

On motion of Mr. Jordan, the rules of the last House were adopted until the Committee on Rules reported.

On motion of Mr. Johnson, the House took a recess until 7 P. M.

SEVEN O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—present, Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, Williams, and Mr. Speaker.

Absent, Messrs. Billing, Dixon, Smith, Tate, and Wright.

Committee appointed to inform the Council of the organization of the House, reported the duty performed.

Mr. McCabe moved that the report be accepted and the committee discharged. Carried.

Committee appointed to inform the Governor of the organization of this House, reported the duty performed.

Mr. Jordan moved that the report be received and the committee discharged. Carried.

Mr. Searles moved that a Committee of Three be appointed to confer with the Secretary of the Territory regarding the printing of the minutes of this House, and other necessary printing. Carried.

Chair appointed as such committee Messrs. Searles, McCabe, and Bass.

On motion of Mr. Searles, the House adjourned until 10 A. M., to-morrow.

THIRD DAY.

December 6, 1871.

House met, pursuant to adjournment.

Roll called—present, Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, Williams, and Mr. Speaker.

Absent, Messrs. Billing, Dixon, Smith, Tate, and Wright.

Prayer by the Chaplain.

Clerk proceeded to read the minutes of yesterday. On motion of Mr. Vivion, the further reading of the minutes was dispensed with.

Committee on Credentials reported, That Messrs. W. W. Dixon and H. D. Smith, of the Second District, and John Billings, of the Third District, W. C. Wright, of the Sixth District, and C. M. Tate, of the Ninth District, are entitled to seats in the House; and the Committee asked to be discharged.

On motion of Mr. Jordan, the report was received and adopted, and the Committee was discharged.

Communication was received from the Council, through their Committee, Messrs. Laurence, Beck, and Shoup, notifying the House of the organization of the Council.

On motion of Mr. Vivion, a committee of two were appointed to wait upon the Governor, and inquire if he had any communication to make.

Chair appointed as such committee, Messrs. Vivion and Lowry, of Jefferson.

On motion of Mr. Jordan, the same committee were instructed to request the Council to meet the House in joint convention, at the Hall of the House of Representatives, at 2 o'clock, P. M., to hear any communication the Governor may have to make.

Mr. Jordan moved that the Joint Committee appointed to wait upon the Governor, be instructed to inform him that the House has invited the Council to meet in joint convention, at the Hall of the House of Representatives, at 2 o'clock, P. M., when they will be ready to receive any communication he may have to make.

Mr. Searles moved that a committee of three be appointed, to act with a like committee from the Council, to agree upon Joint Rules, and that the Committee on Rules, already appointed, constitute such committee. Carried.

The committee appointed to wait upon the Council, to request joint convention, reported their duty performed, and were discharged.

Mr. Vivion, from the Special Committee to wait upon the Governor, and like committee from the Council, reported the duty performed.

On motion of Jordan, the report was accepted.

Mr. Vivion asked leave to amend his report. Leave granted; and, on motion of Mr. Jordan, the report was received and the committee discharged.

On motion of Mr. Ralston, the House took a recess until 2, P. M.

TWO O'CLOCK, P. M..

House resumed, Mr. Speaker in the chair.

Roll called—absent, Messrs. Billings, Dixon, Lowry, of Lewis and Clarke, Smith, Williams, and Wright.

C. M. Tate, member from the Ninth District, Gallatin County, appeared in his seat, and was sworn in by the Speaker.

Message from the Council, through R. E. Arick, Chief Clerk, as follows:

MR. SPEAKER:—I am instructed by the Council to inform your honorable body, that the Council has accepted your invitation to meet in joint convention, at the Hall of Representatives, at 2, P. M., this day, for the purpose of receiving the Governor's Message.

The Sergeant-at-Arms announced the President and Members of the Council, who then entered within the bar of the House; when, upon motion of Mr. Warren, of the Council, the two Houses went into joint convention, to receive the Governor's Message, President of the Council in the chair.

House resumed, Mr. Speaker in the chair.

Absent, Messrs. Billings, Dixon, Smith, and Wright.

Message from his Excellency the Governor, through Private Secretary George Callaway.

EXECUTIVE DEPARTMENT, TERRITORY OF MONTANA, }
VIRGINIA CITY, December 5, 1871. }

To the Speaker of the House of Representatives:—

George Callaway, of Virginia City, is hereby appointed Private Secretary of the Governor. I ask that he be respected accordingly.

B. F. POTTS,
Governor.

Mr. Balston offered the following resolution:—

Resolved, That the Secretary of the Territory be requested to have 1000 copies of the Governor's Message printed for the use of the House.

Mr. Lowry, of Lewis and Clark, moved to amend by adding, That such printing be done at the expense of the Federal Government.

Mr. Johnson moved to lay the resolution and amendment on the table. Carried.

Committee on Rules reported, and recommended the adoption of the Rules of the House of the Fifth Legislative Assembly.

Mr. Johnson moved that the report be adopted and the committee discharged. Carried.

Mr. Searles offered the following resolution:—

Resolved, That the members and reporters of the press in this territory, now at the Capital, or who may hereafter, during the session of this body, be here, are hereby cordially invited to seats within the bar of the House.

Mr. Lowry, of Lewis and Clarke, moved that the resolution be adopted. Carried.

On motion of Mr. Searles, House adjourned until 10 A. M., to-morrow.

FOURTH DAY.

December 7, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, and Wright.

Prayer by the Chaplain.

Mr. Smith, member from Deer Lodge County, Second District, appeared in his seat and was sworn in by the Speaker.

Minutes of second and third days read and approved.

Mr. Speaker gave notice that the regular order of business, as adopted by the House at yesterday's session, would be carried out.

Mr. Searles, from the Select Committee to confer with the Secretary of the territory on printing, reported. Mr. Johnson moved that the report be received and adopted, and the committee discharged. Carried.

Mr. McCabe offered the following:—

Resolved, That the thanks of this House be tendered to the Hon. James E. Callaway, Secretary of the territory, for the efficient manner in which he has prepared the Hall for the reception and comfort of the members of the House of Representatives. Adopted.

Communication from the Council, through Chief Clerk Arick, notifying the House that Council Joint Resolution No. 1, "Relating to procuring and supplying newspapers to both Houses, had passed the Council.

Mr. Aiken offered the following:—

Resolved, That the thanks of this House are hereby tendered to the Hon. James E. Callaway for the prompt manner in which he has performed his duties in furnishing this body with a neat and comfortable Hall, and every necessary convenience.

On motion of Mr. Jordan, the resolution was laid on the table.

Mr. Aiken offered the following:—

WHEREAS, The editor of *The Montanian* has requested a copy of the proceedings of this House for publication,

Resolved, That the Chief Clerk be, and is hereby, instructed to furnish *The Montanian* a copy of the same each day for that purpose. Carried.

C. J. R. No. 1, "Relating to procuring newspapers for both Houses," was introduced. Read first and second times.

Mr. Searles moved to amend by striking out the word "four" in the eleventh line from the top, and inserting in lieu thereof the word "eight."

Mr. Johnson moved that the rules be suspended, the resolution

as amended be read a third time, and put on its final passage. Carried.

The resolution, as amended, was then read a third time, put on its final passage, and passed by the following vote:—

Ayes—Messrs. Bass, Clem, Garoutte, Johnson, Lowry, of Jefferson, McCabe, Poindexter, Searles, Puett, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—16.

Nays—Messrs. Jordan, Metlin, and Ralston—3.

Absent, Messrs. Billing, Dixon, Aiken, Lowry, of Lewis and Clarke, and Wright.

Mr. Jordan introduced H. J. R. No. 1, "Relating to divorces." Read first and second times.

Mr. Johnson moved that the resolution be laid on the table. Lost.

The resolution was then read a third time, and put on its final passage, and lost by the following vote:—

Ayes—Messrs. Bass, Garoutte, Jordan, Lowry, of Jefferson, McCabe, Poindexter, Ralston, Smith, Tripp, and Tate—10.

Nays—Messrs. Aiken, Clem, Johnson, Metlin, Puett, Searles, Vivion, Whitney, Williams, and Mr. Speaker—10.

Absent, Messrs. Billing, Dixon, Lowry, of Lewis and Clarke, and Wright.

Communication from the Council, through Mr. R. E. Arick, Chief Clerk, giving notice of the future introduction in the Council of the following bills:—

By Mr. Collins—"An Act to make county taxes payable in county warrants." Also, "An Act to amend the election laws."

By Mr. Bullock—"An Act to regulate an Act entitled 'An Act to amend an Act providing for increased compensation to officers in this territory.'" Also, "An Act to prevent Chinamen from acquiring or holding any interest in real estate in the territory of Montana."

Mr. Searles gave notice that he would, at some future day, introduce a bill to regulate the system of common schools in this territory.

On motion of Mr. Jordan, the House took a recess until 2, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, Lowry, of Lewis and Clarke, and Wright.

Mr. Vivion moved a reconsideration of the vote by which M. Aikens' resolution instructing the Chief Clerk to furnish *The Montanian* with a copy of the minutes each day for publication was passed. Carried.

Mr. Vivion moved that the resolution be laid on the table. Carried.

Mr. Lowry, of Jefferson, introduced the following:—

Resolved, That the Secretary of the territory be, and is hereby, requested to furnish this House with one hundred copies of the rules of the House and the joint rules of both Houses. Carried.

Mr. Smith offered the following:—

Resolved, That the proceedings of this House, for each day, be printed on slips, and a copy of the same be furnished to the members of each House, before the minutes are read in the morning session, for the convenience and benefit of the members; and be it further

Resolved, That a committee of three be appointed by the chair, to arrange with *The Montanian*, to have said minutes furnished as above specified.

On motion of Mr. Searles, the resolution was adopted.

The chair appointed as such committee, Messrs. Smith, Metlin, and Tate.

On motion of Mr. Vivion, the House adjourned until ten A. M., to-morrow.

FIFTH DAY.

December 8, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, and Wright.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Speaker announced the Standing Committees, to wit:—

Ways and Means—H. Jordan, Daniel Searles, and J. Garoutte.

Judiciary—T. J. Lowry, W. W. Dixon, and H. Jordan.

Internal Improvements—E. D. Aiken, R. P. Vivion, and P. H. Poindexter.

Territorial Affairs—H. D. Smith, S. F. Ralston, F. M. Lowry.

Finance—C. Puett, T. J. Lowry, and N. D. Johnson.

Roads and Highways—S. F. Ralston, John Williams, and James Garoutte.

Public Lands—R. P. Vivion, S. F. Ralston, and W. E. Bass.

Federal Relations—N. D. Johnson, J. C. Metlin, C. A. McCabe, J. Clem, and C. M. Tate.

Education—Daniel Searles, O. C. Whitney, and J. C. Metlin.

Towns and Counties—John Williams, S. E. Ralston, and S. M. Tripp.

Military Affairs—C. M. Tate, E. D. Aiken, and J. Clem.

Incorporations—O. C. Whitney, C. Puett, and C. A. McCabe.

Agriculture and Manufactures—P. H. Poindexter, O. C. Whitney, W. E. Bass, and C. M. Tate.

Elections—C. A. McCabe, F. M. Lowry, and T. J. Lowry.

Indian Affairs—W. E. Bass, R. P. Vivion, and C. Puett.

Mines and Minerals—F. M. Lowry, James Garoutte, John Williams, N. D. Johnson, and E. D. Aiken.

Engrossment—James Garoutte, J. C. Metlin, and H. D. Smith.

Enrolment---Daniel Searles, H. Jordan, and S. M. Tripp.

Printing---S. M. Tripp, P. H. Poindexter, and H. D. Smith.

Select Committee appointed to arrange with *The Montanian* for printing House minutes on slips, reported as follows :

MR. SPEAKER :---Your committee appointed to arrange with *The Montanian* to have the minutes of each day printed on slips, and furnished to the members of the House, beg leave to report, that we have performed that duty, and ask to be discharged.

SMITH,
METLIN,
TATE,
Committee.

Mr. Searles moved that the subject matter be referred back to the committee, with instructions to confer with the editor of *The Montanian*, and ascertain the price of printing the slips, and report to the House as soon as practicable. Carried.

The following notices of the future introduction of bills were given :

By Mr. Vivion—A bill entitled “An Act to amend an Act entitled ‘An Act concerning attorneys and counsellors at law,’ approved January 12, 1865.”

By Mr. Williams—A bill entitled “An Act to prevent children under certain age, from entering saloons and gambling houses.”

By Mr. Puett—A bill entitled “An Act to regulate county warrants.”

By Mr. Lowry, of Lewis and Clarke—A bill amendatory of “An Act concerning conveyances.”

By Mr. Jordan—A bill entitled “An Act prohibiting bulls from running at large, at certain seasons of the year.”

Mr. Jordan offered the following :—

Resolved, By the House, that a committee of three be appointed to wait upon the Hon. James E. Callaway, Secretary of Montana Territory, and request him to furnish the members of this House with one hundred printed copies of the Standing Committees. Adopted.

Chair appointed as such committee, Messrs. Jordan, Whitney, and Williams.

Mr. Searles offered the following :—

Resolved, That a committee of three be appointed by the Speaker, to act with a like committee from the Council to take into consideration the Revenue Laws of this territory, and report amendments thereto, and the Council be, and are hereby, respectfully requested to appoint such committee. Adopted.

Chair appointed as such committee, Messrs. Jordan, Vivion, and Lowry, of Lewis and Clarke.

Mr. Searles moved that a committee of three be appointed who shall refer to the appropriate committees the different portions of the Governor's message. Carried.

Chair appointed as such committee, Messrs. Searles, Metlin, and Whitney.

The Hon. W. H. Rodgers, Territorial Auditor, submitted his report, which was read by the Chief Clerk.

Mr. Searles moved the further reading of the report be dispensed with. Carried.

Mr. Garoutte moved that the report be printed.

Mr. Searles moved to amend by adding three hundred copies.

Mr. Smith moved to amend by adding five hundred copies.

Mr. Jordan moved that the motion with amendments be laid on the table. Carried.

Mr. Searles moved that the Auditor's report be referred to the Finance Committee. Carried.

On motion of Mr. McCabe, the House took a recess until 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, Vivion, and Wright.

The Special Committee, to whom was referred the Governor's message, reported as follows :

We recommend that all parts of the message which refer to the bonded debt, the revenue law, the license tax, and statistics, be referred to the Committee on Ways and Means.

And all those parts of the message which refer to the territorial finance, extra compensation, fees, county treasurers, county commissioners, and territorial convicts, be referred to the Finance Committee.

That portion of the message which refers to ordnance, to be referred to the Committee on Military Affairs.

That portion which refers to Indians and Stevens Treaty, be referred to the Committee on Indian Affairs.

That portion which refers to schools and deaf and dumb, be referred to the Committee on Education.

That portion which relates to codification of laws and Supreme Court, be referred to Judiciary Committee.

That portion of the message which refers to certificates, be referred to Committee on Election.

That part of the message which refers to the North Pacific Railroad, be referred to Committee on Internal Improvements.

That part of the message that relates to the mining interest, be referred to the Committee on Mines and Minerals.

That part that refers to the Montana Indian war claims, be referred to a Select Committee of Three, to be appointed by the chair.

All of which is respectfully submitted.

DANIEL SEARLES,
O. C. WHITNEY,
J. C. METLIN,

Committee.

On motion of Mr. Jordan, the report was received and adopted, and committee discharged.

Select Committee, to whom was referred the procuring of printed minutes on slips from *The Montanian*, reported as follows:

MR. SPEAKER:—Your committee, to whom was referred the business of procuring of (the) *Montanian* printed minutes on slips, beg leave to further report, that the cost of the same will be \$2 50 per thousand ems, and your committee ask to be discharged.

SMITH,
METLIN,
TATE,

Committee.

On motion of Mr. Johnson, report was received, adopted, and committee discharged.

The Hon. R. O. Hickman, Territorial Treasurer, presented his report up to and including thirtieth day of November, 1871, which was read by the clerk.

On motion of Mr. Johnson, the report was referred to the Committee on Finance.

A communication from his Excellency the Governor, transmitting certain correspondence from the various County Clerks to the Territorial Auditor, was received.

Mr. Jordan, from Select Committee to wait upon the Secretary, reported as follows :—

MR. SPEAKER :—Your committee, appointed to wait upon the Secretary and request him to furnish this House with one hundred printed copies of the Standing Committees, report the duty performed, and the Secretary will comply with the request.

On motion of Mr. Ralston, the report was received and accepted, and committee discharged.

The following notices of the introduction of bills were given by Mr. Smith :—

A bill entitled "An Act relating to Justices of the Peace in Montana Territory."

By Mr. Poindexter—A bill entitled "An Act exempting certain classes of stock from taxation."

By Mr. Johnson—A bill entitled "An Act to amend 'An Act concerning stallions,' approved December 30, 1868."

By Mr. McCabe—A bill "Regulating miners and prospectors."

Mr. Lowry, of Lewis and Clarke, introduced the following :

Resolved, That the further printing of the minutes of the House be dispensed with, and the Clerk of this House be instructed to notify the editor of *The Montanian* to that effect."

Mr. Searles moved to amend by inserting the words "on slips" after the word "House." Carried.

On motion of Mr. Smith, the resolution as amended was adopted.

A communication from the Council, through R. L. Arick, Chief Clerk, was received, giving notice of the introduction of bills in that House.

By Mr. Bullock—"An Act to reduce the fees of officers, jurors, and witnesses, in the territory of Montana," approved February 9, 1865.

By Mr. Collins—A bill entitled "An Act prescribing the manner of contesting the election of county officers."

By Mr. Fisher—A bill entitled "An Act to amend an Act entitled 'An Act in relation to election officers,' approved January 17, 1865."

By Mr. Beck—"An Act to amend an Act entitled 'An Act defining the duties of county treasurers and the payment of county warrants,' approved November 9, 1867."

By Mr. Stuart—"An Act Supplementary to an Act entitled 'An Act relating to the killing of game.'" Also, "An Act entitled 'An Act changing the boundary between Deer Lodge and Beaver Head Counties.'"

Also, that the Council has refused to concur in the House amendments to C. J. R. No. 1, "In relation to newspapers," and have appointed a committee of Messrs. Fisher and Owen, to confer with a like committee of the House thereon.

Also, that C. J. R. No. 3, "In relation to temporary officers of the Assembly," has passed the Council.

Mr. Johnson moved that a committee of two, to confer with a like committee from the Council, on C. J. R. No. 1, be appointed. Carried.

Chair appointed as such committee, Messrs. Johnson and Searles.

C. J. R. No. 3 was introduced, being "An Act appropriating certain moneys for the payment of temporary officers of the Assembly." Read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—21.

Nays—None.

Absent, Messrs. Billing, Dixon, and Wright.

Mr. Ralston moved that the report of the Territorial Auditor and Treasurer be taken from the Finance Committee. Carried.

Mr. Lowry, of Lewis and Clark, introduced H. J. R. No. 2, "To appoint committee on printing." Read first and second times, and referred to the Committee on Engrossment.

On motion of Mr. Smith, House adjourned until to-morrow, at 10 A. M.

SIXTH DAY.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, and Wright.

Minutes of yesterday read and approved.

Speaker appointed as Joint Committee on Enrolment, Messrs. Searles and Jordan.

Also, as Special Committee on "Montana War Claims," Messrs. Lowry, of Lewis and Clark, McCabe, and Metlin.

Speaker called order of business.

The Select Committee appointed to confer with Council Committee on C. J. R. No. 1, reported progress and asked further time. Granted.

The following notices of the introduction of bills, at some future day were given.

By Mr. Lowry, of Lewis and Clark—A bill "Relating to conspiracies and forestalling."

By Mr. Vivion—A bill entitled "An Act to amend an Act entitled 'An Act relating to counties and county officers,' approved February 9, 1865."

By Mr. Tripp—A bill entitled "An Act in relation to quartz lodes," and developing same.

By Mr. Williams—A bill entitled "An Act to provide for the exemption of mining claims from forced sales upon execution, or other final process.

Mr. Jordan, by consent (without notice) introduced H. B. No. 1, "An Act entitled 'An Act to repeal an Act relating to trout fishing.'" Read first and second times, and referred to the Committee on Engrossment.

Mr. Vivion having given previous notice, introduced H. B. No. 2, entitled "An Act to amend an Act concerning attorneys and counsellors-at-law." Read first and second times, and referred to the Judiciary Committee.

Mr. Searles moved that a Committee on Immigration be added to the Standing Committees. Carried.

H. B. No. 3, entitled "An Act amendatory of an Act entitled

'An Act concerning conveyancies.'" Read first and second times, and referred to the Judiciary Committee.

A communication from the Governor, through his Private Secretary, George Callaway, enclosing Territorial Auditor's Reports, was received and read by the Clerk, and on motion of Mr. Lowry, of Lewis and Clarke, was laid on the table for future consideration.

A communication from the Council, through Arick, Chief Clerk, giving notice that C. J. R. No. 2, "In relation to Code Commission," had passed the Council.

C. J. R. No. 2 was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—20.

Nays—None.

Absent, Messrs. Billing, Dixon, Vivion, and Wright.

Title agreed to.

On motion of Mr. Lowry, of Lewis and Clarke,

House took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, and Wright.

Mr. Garoutte, from Committee on Engrossment, reported H. J. R. No. 2 correctly engrossed.

The select committee appointed to confer with Council committee on C. J. R. No. 1, reported as follows:—

We have conferred with the committee of the Council, and have agreed on six copies of *The Montanian* instead of eight, as amended, and ask to be discharged.

On motion of Mr. Jordan, the report was received, adopted, and committee discharged.

The following notices of the introduction of bills were given.

By Mr. Searles—A bill entitled "An Act in relation to funding the debt of Montana Territory."

Also, a bill entitled "An Act to encourage immigration to the territory of Montana."

By Mr. Ralston—A bill entitled “An Act to prevent hogs from running at large.”

Mr. Johnson offered a resolution in regard to the fireman of this House, to wit:

WHEREAS, The present fireman of this House of Representatives, David Wright, is a non-resident of this territory, and only sojourning temporarily in this territory, and at the time of his application for election to said office was only temporarily in Virginia City, on his way to his home in Utah,

AND WHEREAS, The office in the gift of this Legislature should be conferred upon citizens of this territory, therefore be it

Resolved, That the office of fireman of this House be declared vacant.

Resolved, That the House immediately proceed, by election, to fill said vacancy.

Mr. Vivion moved that the resolution be indefinitely postponed.

Mr. Lowry, of Lewis and Clarke, offered an amendment, that a committee of three be appointed to inquire into the charges contained in the resolution. Carried.

Chair appointed as such committee Messrs. Lowry, of Lewis and Clarke, Vivion, and Johnson.

H. J. R. No. 2 was taken up, read a third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Lewis and Clark, Lowry, of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Messrs. Billing, Dixon, and Wright.

Communication from the Council, the Chief Clerk, Arick, giving notice that C. J. R. No. 4, and C. B. No. 2, for the relief of W. L. Steele, has passed the Council.

H. B. No. 4, “An Act to prevent children under certain age from entering saloons and gambling houses,” read first and second times, and ordered printed.

C. B. No. 2, “An Act for the relief of W. L. Steele,” was taken up, and read first and second times; rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clark, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, Whitney, and Williams—19.

Nays—Mr. Smith and Mr. Speaker—2.

Absent, Messrs. Billing, Dixon, and Wright.

Title agreed to.

C. J. R. No. 4, "In relation to employing committee clerks," read first and second times, rules suspended, read third time, and lost by the following vote:

Ayes—Messrs. Johnson, Lowry, of Lewis and Clark, Poindexter, Smith, Tate, and Vivion—6.

Nays—Messrs. Aiken, Bass, Clem, Garoutte, Jordan, McCabe, Metlin, Puett, Ralston, Searles, Tripp, Whitney, Williams, and Mr. Speaker—14.

Absent, Messrs. Billing, Dixon, and Wright.

Mr. Searles moved that the further consideration of the resolution be postponed until Monday, A. M.

Mr. Johnson moved to amend by having the resolution referred to the Judiciary Committee, and they be instructed to report on the same Monday morning. • Carried.

On motion of Mr. Smith, the House adjourned until 10 A. M., Monday morning.

EIGHTH DAY.

December 11, 1871.

House met, pursuant to adjournment.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, Smith, Whitney, and Wright.

Prayer by the Chaplain.

Minutes of Saturday read and approved.

Chair announced Standing Committee on Immigration, Messrs. Smith, Ralston, and Tripp.

Mr. Lowry, from Judiciary Committee, reported back C. J. R. No. 4, with amendments, recommending the adoption of the resolution as amended.

Mr. Johnson moved that the report be adopted. Carried.

The following notices of the future introduction of bills were given:—

By Mr. Puett—A bill entitled “An Act for the relief of Sample Orr.”

By Mr. Vivion—A bill entitled “An Act to amend an Act entitled ‘An Act to regulate proceedings in civil actions in the courts of justice of Montana Territory,’ approved December 23, 1867.”

C. J. R. No. 4 was taken up and read for information as amended.

Mr. Johnson moved that the amendment be adopted. Carried.

Mr. Johnson moved that the resolution as amended be adopted, Carried.

On motion of Mr. Smith, House took a recess until two P. M.

TWO O’CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, and Wright.

Committee on Engrossment reported House amendments to Council Joint Resolution correctly engrossed.

The following notices of the future introduction of bills were given:—

By Mr. Bass—A bill entitled “An Act authorizing the County Commissioners of Missoula County to levy a special tax for the purpose of buying, building, and repairing bridges in said county.”

By Mr. Johnson—A bill entitled “An Act to amend Section 219 of ‘An Act to regulate proceedings in civil cases, in the courts of justice of Montana Territory,’ approved December 23, 1867.”

Mr. Smith offered the following:—

I move a Special Committee of three be appointed by the

Speaker of the House, in conjunction with a committee from the Council, to examine the Auditor's and Treasurer's books, since their report of December 1, 1869, and make such report as their books show. Carried.

Mr. Ralston offered the following:—

Resolved, That it shall be the duty of the Enrolling and Engrossing Clerks of this House, to assist any committee in making any report that may be required of such committee, provided said clerks are not otherwise employed in enrolling or engrossing bills.

On motion of Mr. Johnson the resolution was adopted.

Mr. Smith asked leave of absence for two days. Granted.

C. J. R. No. 1 was taken up, and, on motion of Mr. Jordan, the House receded from its amendment, and adopted the amendment of the Joint Committee.

The following communication from the Council was received through Arick, Chief Clerk, giving notice that the Council had adopted the report of the Conference Committee on C. J. R. No. 1, and that the resolution has passed the Council as amended.

Also, that the following notices of the future introduction of bills have been given in the Council:—

By Mr. Laurence—"An Act in relation to Notaries Public."

By Mr. Bullock—"An Act to provide for additions to the Law Library of Montana."

By Mr. Fisher—"An Act to punish certain offences."

By Mr. Owen—"An Act to increase the pay of Probate Judge and Superintendent of Public Instruction."

By Mr. Warren—"An Act to provide for the care and custody of the Law Library of the territory of Montana."

Also, that the following bills have been introduced in the Council:—

By Mr. Stuart—C. B. No. 5, "An Act in relation to the killing of game, and catching of fish."

Also, C. B. No. 9, "An Act to define the boundary lines of Deer Lodge County."

By Mr. Laurence—C. B. No. 6, "An Act in relation to Notaries Public."

By Mr. Fisher—C. B. No. 8, "An Act to provide for the punishment of certain crimes named therein."

And that in accordance with the request of the House, the President has appointed Messrs. Kinney, Bullock, and Laurence, to confer with the House committee, to take into consideration the Revenue Laws of Montana Territory.

Also, that the Council had adopted a substitute for H. J. R. No. 2.

Also, that the following notices of the future introduction of bills have been given in the Council:—

By Mr. Collins—"An Act to provide for the registry of births and deaths."

By Mr. Beck—"An Act regulating roads, cartways, and bridges."

By Mr. Warren—"An Act to amend 'An Act relating to counties and county officers,' approved February 9, 1865."

Mr. McCabe, by consent, introduced H. B. No. 5, "An Act regulating miners, prospectors, and others." Read first and second times, and ordered printed.

C. J. R. No. 1 was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—None.

Absent—Messrs. Billing, Dixon, and Wright; on leave, Mr. Smith.

C. J. R. No. 4 was taken up, read third time, and passed by the following vote:

Ayes—20.

Nays—None.

Absent, Messrs. Billing, Dixon, and Wright.

Absent on leave, Mr. Smith.

Communication from the Council, through Arick, Chief Clerk, giving notice that C. J. R. No. 8, "To provide Committee of Legislative Assembly," had passed the Council.

C. J. R. No. 5 was taken up, read first and second times; rules suspended, read third time, and passed by the following vote:—

Ayes—20.

Nays—None.

Absent, Messrs. Billing, Dixon, and Wright.

Absent on leave, Mr. Smith.

Council substitute for H. J. R. No. 2 was taken up and adopted.

On motion of Mr. Vivion, House adjourned until 10 A. M., tomorrow.

NINTH DAY.

December 12, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, Whitney, and Wright.

Minutes of yesterday read and approved.

Prayer by the Chaplain.

Chair appointed on committee to act with like committee from the Councils to examine Territorial Auditor's and Treasurer's books since their report of December 1, 1869, and to report thereon, Messrs. Garoutte, McCabe, and Searles.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 1 correctly engrossed.

Mr. Tripp, from Committee on Printing, reported H. Bs. Nos. 1, 2, 3, and 4 correctly printed.

Mr. Lowry, from Judiciary Committee, reported back H. Bs. Nos. 2 and 3, with amendments, and recommended their passage as amended. Report received and adopted.

Mr. Searles, by leave, introduced H. B. No. 6, "An Act to provide for a system of Common Schools in Montana Territory."

Mr. Vivion, by leave, introduced H. B. No. 7, "An Act to amend an Act to regulate proceedings in civil cases in the courts of justice in Montana Territory," approved December 23, 1867.

Mr. Jordan, by leave, introduced H. B. No. 8, "An Act to prevent bulls from running at large at certain seasons of the year."

Mr. Puett, by leave, introduced H. B. No. 9, "An Act for the relief of Sample Orr."

H. B. No. 1 was taken up. Mr. Johnson moved that the rules be suspended, bill read a third time, and put on its final passage. Carried. Bill put on its final passage, and lost by the following vote:—

Ayes—Messrs. Clem, Garoutte, Jordan, Johnson, Lowry, of Lewis and Clarke, Metlin, Tate, Tripp, and Mr. Speaker—9.

Nays—Messrs. Aiken, Bass, Lowry, of Jefferson, McCabe, Poindexter, Puett, Ralston, Searles, Vivion, Whitney, and Williams—11.

Absent, Messrs. Billing, Dixon, Smith, and Wright.

H. B. No. 2 was taken up, and read as amended, and on motion of Mr. Lowry, of Lewis and Clarke, amendments were adopted.

H. B. No. 3 was taken up, and read as amended, and on motion of Mr. Johnson, amendments were adopted.

H. B. No. 6 was taken up, and on motion of Mr. Jordan, the rules were suspended, and the bill was read first and second times, by its title, and ordered printed.

H. B. No. 7 was taken up, read first and second times, and ordered printed.

H. B. No. 8 was taken up, read first and second times, and ordered printed.

H. B. No. 9 was taken up, read first and second times, and on motion of Mr. Johnson, the rules were suspended, bill read third time, and put on its final passage. The question being put "Shall the bill pass," ayes and nays were ordered, and resulted:—

Ayes—Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, Whitney, and Williams—19.

Nay—Mr. Speaker—1.

Absent, Messrs. Billing, Dixon, Smith, and Wright.

Mr. Searles moved that the Committee on Printing be ordered to

have one hundred and fifty copies of the bill in relation to Common Schools printed. Agreed to.

Mr. Jordan offered the following:—

Resolved, That there shall be printed one hundred copies of each bill ordered printed.

Mr. Johnson moved to amend, by adding unless otherwise ordered.

Amended by Mr. Lowry, of Lewis and Clarke, so as to read as follows: That the Chairman of the Committee on Printing request the Secretary of the Territory to have printed for the use of the Legislative Assembly.

On motion of Mr. Johnson, the resolution as amended was adopted.

Communication from the Council, through Chief Clerk Arick, was received, giving notice that notices of the introduction of the following bills have been given in the Council.

By Mr. Warren—A bill entitled “An Act to establish the fees of the Clerk of the Supreme Court.”

By Mr. Bullock—A bill in relation to brands and marks.

By Mr. Fisher—A bill entitled “An Act to repeal an Act entitled ‘An Act to provide increased compensation to officers in Montana Territory,’ approved January 24, 1865.”

By Mr. Collins—A bill entitled “An Act to define the duties of county assessors.”

Also, that the following bills have been introduced in the Council:—

By Mr. Laurence—C. B. No. 11, entitled “An Act to amend an Act entitled ‘An Act concerning limitations,’ and an Act amendatory thereto.”

By Mr. Bullock—C. B. No. 12, entitled “An Act to regulate the fees of officers, jurors, and witnesses.”

Also, that a partial report of the Code Commission had been received, and, on the part of the Council, had been referred to Joint Committee, consisting of the Judiciary Committees of the two Houses.

Also, that the Council had concurred in House amendments to C. J. R. No. 4, “In relation to committee clerks,” and that the

Council had appointed Messrs. Collins and Fisher as Joint Committee on Enrolment, on part of the Council.

The report of the Code Commission was taken up, and referred to Joint Judiciary Committee.

On motion of Mr. Garoutte, House took a recess until 2, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, Dixon, Lowry, of Lewis and Clarke, and Wright.

Mr. Speaker gave notice, that, at the request of the present House Chairman of the Joint Committee to report on the Territorial Auditor's and Treasurer's books, he had substituted Mr. Searles as chairman. And had appointed Mr. Vivion as additional member of the Engrossing Committee.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 3 correctly engrossed.

The following notices of the introduction of bills were given:—

By Mr. Vivion—A bill entitled “An Act to amend an Act entitled ‘An Act to regulate the charges for publication of legal documents.’”

By Mr. Tripp—A bill entitled “An Act to repeal an Act entitled ‘An Act to prevent officers from dealing in certain securities,’ approved February 2, 1865.” And also, an Act entitled “An Act to amend an Act entitled ‘An Act to prevent officers from dealing in certain securities,’ approved February 2, 1865,” approved February 22, 1869.

The following bills were introduced:—

By Mr. Ralston—H. B. No. 10, entitled “An Act to prevent swine from running at large.”

By Mr. Williams—H. B. No. 11, “An Act to provide for the exemption of mining claims from forced sale upon execution or other final process.”

Mr. Searles, by leave, introduced H. J. R. No. 3, “Relating to powers given to Joint Committee appointed to examine the Terri-

torial Auditor's and Treasurer's books." Read first and second times, rules suspended, read a third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Clem, Garoutte, Jordan, Johnson, Lowry, of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—19.

Nay—Mr. Smith—1.

Absent, Messrs. Billing, Dixon, Lowry, of Lewis and Clarke, and Wright.

On motion of Mr. Searles, the Chaplain was granted leave of absence for one day.

H. B. No. 10 was taken up, read first and second times, and ordered printed.

H. B. No. 11 was taken up, read first and second times, and ordered printed.

H. B. No. 3 was taken up, read third time, and passed by the following vote:—

Ayes—21.

Nays—None.

Absent, Messrs. Billing, Dixon, and Wright.

Title agreed to.

Joint Committee on Enrolment reported C. J. Rs. Nos. 2 and 3 correctly enrolled.

Mr. Speaker gave notice that he had signed C. Js. Nos. 2 and 3.

On motion of Mr. Lowry, of Lewis and Clarke, the House adjourned until 10, A. M., to-morrow.

TENTH DAY.

December 13, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Messrs. Dixon, Lowry, of Lewis and Clarke, and Wright.

Minutes of yesterday read and approved.

Mr. Billing, from Lewis and Clarke, having answered roll-call, was sworn in by the Speaker, and took his seat as member of this House.

Mr. Tripp, from Committee on Printing, reported H. B. No. 5 correctly printed.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 2 correctly engrossed.

Communication from the Council, through Chief Clerk Arick, giving notice of the introduction of the following bills:—

By Mr. Warren—C. B. No. 16, "An Act to establish the fees of the Clerk of the Supreme Court."

By Mr. Fisher—C. B. No. 17, "An Act to repeal 'An Act to provide increased compensation to the officers of the territory of Montana,' approved January 24, 1865."

Also, that C. J. R. No. 6 had passed the Council.

The following notices of the future introduction of bills were given:—

By Mr. Lowry, of Lewis and Clarke—a bill entitled "An Act relating to rights of way, easements, and other necessary means for the development and working of mines."

By Mr. Ralston—a bill entitled "An Act to provide for the districting of the counties in this territory into assessment districts."

By Mr. McCabe—a bill entitled "An Act regarding licenses."

On motion of Mr. Lowry, of Lewis and Clarke, a Committee of Two were appointed to act with a like committee from Council, to examine the arsenal in this city.

Chair appointed as such committee Messrs. Lowry, of Lewis and Clarke, and Johnson.

H. B. No. 4 was taken up, and referred to the Committee of the Whole.

H. B. No. 5 was taken up, and referred to the Committee on Mines and Minerals.

H. B. No. 2, entitled "An Act to amend 'An Act concerning attorneys and counsellors-at-law,' approved January 12, 1865," was taken up, read a third time, and upon the question "Shall the bill pass?" being put, was lost by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Johnson, Lowry, of Lewis

and Clarke, McCabe, Metlin, Poindexter, Smith, Vivion, and Mr. Speaker—11.

Nays—Messrs. Clem, Garoutte, Lowry, of Jefferson, Puett, Ralston, Searles, Tripp, Tate, Whitney, and Williams—11.

Absent, Messrs. Dixon and Wright.

House went into Committee of the Whole on H. B. No. 4, Mr. Lowry, of Lewis and Clarke, in the chair.

House resumed, Mr. Speaker in the chair.

A communication from the Council, through Arick, Chief Clerk, was received, giving notice that Mr. Beck had introduced C. B. No. 13, "An Act in relation to roads, cartways, and bridges."

Mr. Stuart had introduced C. B. No. 14, "An Act to provide for the compensation of Newton Dickinson, for services rendered the Territory of Montana."

Mr. Collins had introduced C. B. No. 15, "An Act to provide for the registry of births and deaths."

Also, that the President had appointed a Committee of Two—Messrs. Owen and Laurence—to examine and report upon the condition of the arsenal at this place.

House went into Committee of the Whole, Lowry, of Lewis and Clarke, in the chair.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Dixon and Wright.

On motion of Mr. Johnson, House took a recess until 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Dixon and Wright.

Mr. Lowry, of Lewis and Clarke, from Committee of the Whole, to whom was referred H. B. No. 4, reported bill back with amendments, and recommended its passage as amended. Report received.

On motion of Mr. Johnson, H. B. No. 2, entitled "An Act to amend 'An Act concerning attorneys and counsellors-at-law,' ap-

proved January 12, 1865," was read a third time, and put on its final passage, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Johnson, Lowry, of Lewis and Clarke, Lowry, of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Vivion, Whitney, and Mr. Speaker—19.

Nays—Messrs. Jordan, Tripp, and Williams—3.

Absent, Messrs. Dixon and Wright.

Title agreed to.

C. J. R. No. 5, was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—22.

Nays—None.

Absent, Messrs. Dixon and Wright.

The following bills were introduced:—

Mr. Vivion, by leave, introduced H. B. No. 12, "An Act to amend 'An Act to provide for and regulate the rates of charges for the publication of legal documents,' approved January 9, 1865."

By Mr. Bass, H. B. No. 13—an Act entitled "An Act authorizing the County Commissioners of Missoula County to levy a special tax for the purpose of buying, building, and repairing bridges."

H. B. No. 12 was read first and second times, and ordered printed.

H. B. No. 13 was read first and second times, and referred to Special Committee of One, Mr. Bass.

H. B. No. 4 was reported back by the Committee of the Whole, was taken up, read as amended, and ordered engrossed.

The following communication was received from the Council:

Council Chamber, Dec. 13, 1871.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that Council substitute to H. J. R. No. 3 has passed the Council, and that Mr. Stuart has introduced C. B. No. 18, "An Act to amend an Act entitled 'An Act relating to counties and county officers.'"

CARPENTER,

Assistant Clerk.

Council substitute to H. J. R. No. 3 was taken up, read first and second times, rules suspended, read a third time, and passed by the following vote:—

Ayes—22.

Nay—None.

Absent, Messrs. Dixon and Wright.

Mr. Speaker appointed Mr. Metlin as an additional member on Committee to Examine Auditor's and Treasurer's books.

Mr. Clem gave notice of the future introduction of a bill entitled "An Act declaring what shall constitute a lawful fence.

On motion of Mr. Searles, House adjourned until 10 A. M., to-morrow.

ELEVENTH DAY.

December 14, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.
Roll called—quorum present.

Absent, Messrs. Dixon, Metlin, Poindexter, and Wright.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Searles, from Joint Committee on Enrolment, reported C. J. Rs. Nos. 1 and 6, and C. B. No. 2, C. substitute for H. J. R. No. 2, and C. J. Rs. Nos. 4 and 5, correctly enrolled. Also, that joint rules were correctly printed.

Mr. Bass, from Special Committee on H. B. No. 13, "An Act authorizing the County Commissioners of Missoula County to levy a special tax for the purpose of building, buying, and repairing bridges," reported same back, and recommend its passage

The following notices of the future introduction of bills were given.

By Mr. Clem—An Act entitled "An Act to provide for making the waters of Montana Territory available for useful purposes to their full extent."

By Mr. Aiken—A bill to amend section twelve of "An Act to provide for the formation of corporations for certain purposes, enacted December 12, 1867."

By Mr. Poindexter, by leave (previous notice having been given) introduced H. B. No. 14, "An Act to encourage the introduction of blooded stock."

On motion of Mr. Lowry, of Lewis and Clarke, H. B. No. 4 was recalled from hands of Engrossing Committee.

H. B. No. 7, entitled "An Act to amend 'An Act to regulate proceedings in civil cases in courts of justice in Montana Territory,'" was taken up, and referred to Judiciary Committee.

H. B. No. 11, "An Act to provide for the exemption of mining claims from forced sale," was taken up, and referred to Committee on Mines and Minerals.

H. B. No. 8 was taken up, and referred to Committee on Agriculture and Manufactures.

H. B. No. 10 was taken up, and referred to Committee on Agriculture and Manufactures.

H. B. No. 4 was taken up, and the following amendments agreed to:—

Amend section three so as to read as follows: "All fines collected under the provisions of this Act shall be paid to the County Treasurer for the use of common schools." Ordered engrossed for a third reading.

Report of Mr. Bass, a committee of one on H. B. No. 13, was adopted. Bill read third time, and passed by the following vote:—

Ayes—22.

Nays—None.

Absent, Messrs. Dixon and Wright.

On motion of Mr. Lowry, of Lewis and Clarke, House took a recess until 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Dixon, Jordan, and Wright.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 4 correctly engrossed.

Mr. Tripp, by leave (previous notice having been given) introduced H. B. No. 15, "An Act in relation to staking quartz lodes."

Communication from the Council, through Chief Clerk Arick, giving notice that the following bills have been introduced.

By Mr. Bullock—C. B. No. 19, "An Act to prevent Chinamen from holding or acquiring any interest in real estate or mining claims in the territory of Montana."

By Mr. Stuart—C. B. No. 20, "An Act to amend an Act entitled 'An Act to provide for the collection of revenue.'"

Also, that Mr. Stapleton has given notice of the introduction of "An Act authorizing the territorial Auditor to issue duplicate territorial warrants in certain cases, in lieu of those lost or destroyed."

Also, that Council substitute for H. B. No. 3, "An Act to amend an Act entitled 'An Act concerning conveyances,'" had passed the Council.

Also, that his Excellency the Governor had approved C. J. Rs. Nos. 2 and 3.

Also, that C. B. No. 11, "An Act to amend 'An Act to amend section eight of an Act entitled "An Act concerning limitations," approved February 9, 1865.'"

And C. B. No. 6, "An Act in relation to notaries public," have passed the Council.

Mr. Lowry, of Lewis and Clarke, by leave (under previous notice) introduced H. B. No. 16, "An Act concerning rights of way and other necessary means, for the development of mines."

C. B. No. 6 was taken up, read first and second times, and ordered printed.

C. B. No. 11 was taken up, read first and second times, and referred to Judiciary Committee.

On motion of Mr. Lowry, of Lewis and Clarke, all action taken on C. B. No. 11 was reconsidered and withdrawn.

Mr. Speaker gave notice that he had signed C. J. Rs. Nos. 1, 4, 5, and 6, Council substitute for H. J. R. No. 2, and C. B. No. 2.

On motion of Mr. Jordan, the Chief Clerk was instructed to furnish the chairman of all select and special committees with the names of the members of such committees, and also the nature of the business assigned to said committees.

On motion of Mr. Vivion, House adjourned until 10 A. M., to-morrow.

TWELFTH DAY.

December 15, 1871.

House met, pursuant to adjournment.

Roll call—quorum present.

Absent, Mr. Wright.

Prayer by the Chaplain.

Mr. Dixon, member elect, from Deer Lodge, having answered roll call, was sworn in by the Speaker, and took his seat.

Mr. Speaker gave notice that he had made the following additional appointments to House Standing Committees:—

On Ways and Means—Messrs. Billing and Dixon.

On Agriculture and Manufactures—Mr. Billing.

On Finance—Messrs. Dixon and Billing.

Mr. Searles, from Committee on Enrolment, reported substitute to H. J. R. No. 3, correctly enrolled.

Mr. Tripp, from Committee on Printing, reported H. B. No. 12, correctly printed.

Mr. Lowry, of Jefferson, from Committee on Mines and Minerals, reported back H. B. No. 17, and recommend that it do not pass. Also, H. B. No. 5, with substitute, and recommended its passage.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back H. B. No. 8, with amendments, and recommend that the bill do pass as amended.

Mr. Vivion offered the following:—

Resolved, That the Judiciary Committee of this House is hereby requested to allow its clerk, when not otherwise employed, to serve

the Joint Committee on Revenue Laws, under the direction of the Judiciary Committee.

On motion of Mr. Lowry, of Lewis and Clarke, the resolution was adopted.

Mr. Lowry, of Lewis and Clarke, moved that House Rule No. 53 be amended, so as to read as follows: No bill shall be printed except by order of the House. Amended by Mr. Searles: That all H. Bs. of a general nature shall, after their second reading, be printed without special order, unless otherwise ordered.

Mr. Jordan was called to the chair.

On motion of Mr. McCabe, the motion and amendments relating to Rule No. 53 were laid on the table.

H. B. No. 16 was taken up, read first and second times, and ordered printed.

H. B. No. 12 was taken up, and referred to the Committee on Territorial Affairs.

H. B. No. 7 was taken up, and ordered engrossed.

H. B. No. 8 was taken up, read first and second times as amended, and referred to the Committee on Agriculture and Manufactures.

H. B. No. 11 was taken up, read as amended, and report of Committee on Mines and Minerals, on same, was adopted.

On the question, "Shall the bill be engrossed for a third reading," it was rejected.

A communication from the Council's Assistant Clerk, Carpenter, was received, giving notice of the future introduction of the following bills:—

By Mr. Laurence—"An Act for the protection of the rights of married women."

By Mr. Fisher—"An Act providing for the punishment of embezzlement of public money and property."

That Mr. Kinney had introduced C. B. No. 21, entitled "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in Courts of Justice in Montana Territory,' approved December 28, 1867."

That the Council respectfully ask for a conference committee on H. B. No. 3, and Council substitute therefor, and have appointed Messrs. Warren and Laurence on the part of the Council.

That C. B. No. 11 has been re-engrossed and properly endorsed.

Mr. Speaker appointed as committee of conference on H. B. No. 3, and Council substitute therefor, Messrs. Jordan and McCabe.

Council Bill No. 11 was taken up, read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Lowry, of Lewis and Clark, House took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Mr. Wright.

Mr. Lowry, of Jefferson, from the Committee on Mines and Minerals, reported back H. B. No. 5, with amendments, recommending that it pass as amended.

On motion of Mr. Lowry, of Lewis and Clarke, Mr. Speaker appointed as an additional member of Joint Committee on Revenue Laws, Mr. Dixon.

H. B. No. 5 was taken up, read as amended, amendments adopted, and ordered engrossed.

H. B. No. 4 was taken up, read third time, and upon the question, "Shall the Bill pass," the ayes and nays were ordered and resulted as follows:

Ayes—Messrs. Bass, Billing, Clem, Jordan, Metlin, Poindexter, Ralston, Searles, Whitney, Williams, and Mr. Speaker—11.

Nays—Messrs. Aiken, Dixon, Garoutte, Johnson, Lowry, of Lewis and Clarke, Lowry, of Jefferson, McCabe, Puett, Smith, Tripp, Tate, and Vivion—12.

Bill lost.

Mr. Lowry, of Lewis and Clarke, moved that the vote by which H. B. No. 4 was lost, be reconsidered.

Mr. Vivion moved to lay the motion to reconsider on the table. Agreed to.

On motion of Mr. Lowry, of Lewis and Clarke, House adjourned until ten A. M. to-morrow.

THIRTEENTH DAY.

December 16, 1871.

House met pursuant to adjournment.

Roll called—quorum present.

Absent, Mr. Wright.

Prayer by the Chaplain.

Minutes of yesterday read, corrected, and approved.

Mr. Poindexter, from Committee on Agriculture and Manufactures, to whom was referred H. B. No. 8, reported the same with substitute, and recommended its passage.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 7 correctly engrossed.

Mr. Ralston gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill entitled "An Act to amend an Act entitled 'An Act for the collection of revenue,' approved January 15, 1869."

Mr. Williams asked leave to introduce, without previous notice, H. B. No. 17, "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in the courts of justice in Montana Territory,' approved December 23, 1867." Leave granted.

Mr. Johnson asked leave to introduce, without previous notice, H. B. No. 18, "An Act in relation to District's Attorneys." Leave granted.

Mr. Tripp, introduced, under previous notice, H. B. No. 19, "An Act to repeal an Act entitled 'An Act to prevent officers from dealing in certain securities,' approved February 2, 1865."

Also, "An Act entitled 'An Act to prevent officers from dealing in certain securities,' approved December 22, 1869."

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 5 correctly engrossed.

H. B. No. 8, with substitute, reported to the House by Committee on Agriculture and Manufactures, was taken up, and substitute adopted. Read first and second times, and on motion of Mr. Searles, was referred to the Committee of the Whole.

H. B. Nos. 17, 18, and 19, were taken up, read first and second times, and ordered printed.

H. B. No. 5 was taken up, read third time, and on the question, "Shall the bill pass?" The ayes and nays were ordered, and resulted as follows:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Absent, Mr. Wright.

Title changed by inserting the word "Act," in lieu of word "bill."

Communication from the Council through Chief Clerk, Arick, giving notice that Mr. Fisher had introduced C. B. No. 22, "An Act providing for the punishment of embezzlement of public moneys or property."

Also, the following notices of the future introduction of bills:—

By Mr. Collins—"An Act to revive Section 3, of 'An Act relative to elections,' approved July 17, 1865."

By Mr. Bullock—"An Act licensing houses of prostitution in the territory of Montana."

H. B. No. 7 was taken up, read third time, and on the question, "Shall the bill pass?" The ayes and nays were ordered, and resulted as follows:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Absent, Mr. Wright.

House went into Committee of the Whole on H. B. No. 8, Mr. Jordan in the chair.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. McCabe, House took a recess until two P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Messrs. Metlin and Wright.

Mr. Smith, from Committee on Territorial Affairs, reported back H. B. No. 12, with amendments, and recommended that the bill as amended do pass.

Mr. Tripp, from Committee on Printing, reported H. Bs. Nos. 14 and 15 correctly printed.

Mr. Bass gave notice that he would, at some future day, beg leave to introduce a bill relating to estrays.

Mr. Jordan, from Committee of the Whole, reported back H. B. No. 8, with amendments.

Mr. Lowry, of Lewis and Clarke, from Select Committee, to whom was referred resolution regarding Fireman of this House, offered a majority report of said committee.

Mr. Johnson, from same committee, offered a minority report.

On motion of Mr. Jordan, reports were received and committee discharged.

On motion of Mr. Lowry, of Lewis and Clarke, the majority report was adopted.

Mr. Speaker gave notice that he had signed substitute for H. J. R. No. 3.

The resolution regarding fireman of this House was taken up, and on motion of Mr. Lowry, of Lewis and Clarke, was indefinitely postponed.

On motion of Mr. Jordan, the further calling of the name of Mr. Wright in the roll call was dispensed with until his appearance in his seat.

H. B. No. 8, as amended, was taken up, amendments read and adopted, and on motion of Mr. Ralston, was made the special order of business for January 2, 1872.

H. B. No. 14 was taken up and ordered engrossed.

H. B. No. 15 was taken up, and referred to Committee on Mines and Minerals.

H. B. No. 12 was taken up, and on motion of Mr. Johnson, the following amendment was made: Strike out the words "one dollar and fifty cents," at the end of section one, and insert "two dollars" in lieu thereof. Bill, as amended, was ordered to be engrossed.

On motion of Mr. Johnson, House adjourned until 10 A. M., Monday.

FIFTEENTH DAY.

December 18, 1871.

House met, pursuant to adjournment.

Roll called—quorum present.

Absent, Messrs. Lowry of Lewis and Clarke, Puett, Smith, and Whitney.

Prayer by the Chaplain.

Minutes of Saturday read and approved.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 14 correctly engrossed.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back H. B. No. 10, "An Act to prevent swine from running at large," with amendments, and recommend the bill to pass as amended.

Mr. Bass gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act to amend an Act defining the Council and Representative Districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof," approved December 13, 1867.

Mr. Dixon gave notice that he would, at some future day, beg leave to introduce a bill entitled "An Act to provide for the forfeiture to the territory of Placer Mines held by aliens." Also, a bill entitled "An Act to prescribe the time of the holding of the terms of the Supreme Court."

Mr. Ralston, by leave (under previous notice), introduced H. B. No. 20, entitled "An Act to amend an Act for the collection of revenue," approved January 15, 1869.

Mr. Lowry of Lewis and Clarke, offered the following:—

Resolved, That nothing contained in the resolutions, regulations, and rules of this House be so construed as to require or permit the Clerk of this House to let the minutes thereof pass from his possession until the same are read, approved, and entered upon the journal of the House." Adopted.

H. B. No. 20 was taken up, read first and second times.

Mr. Jordan moved that the rules be suspended and the bill be referred to Joint Committee on Revenue Law.

Mr. Johnson moved to amend by referring bill to Committee on Mines and Minerals. Amendments agreed to.

H. B. No. 10, entitled "An Act to prevent swine from running at large," was taken up, read as amended. Amendments adopted, and ordered engrossed.

H. B. No. 14, entitled "An Act to encourage the introduction of blooded stock," was taken up, read a third time, and on the question, "Shall the bill pass?" the yeas and nays were ordered, and resulted as follows:—

Ayes—Messrs. Bass, Billing, Clem, Dixon, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Ralston, Searles, Smith, Tripp, and Williams—14.

Nays—Messrs. Aiken, Garoutte, Jordan, Tate, Vivion, and Mr. Speaker—6.

Absent, Messrs. Lowry of Lewis and Clark, Puett, and Whitney. Bill passed.

Title agreed to.

On motion of Mr. Searles, House adjourned until 10 A. M., to-morrow.

SIXTEENTH DAY.

December 19, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair. Roll called—quorum present.

Absent, Mr. Puett.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Jordan, from Committee on Ways and Means, to whom was referred certain portion of the Governor's message, made a report on the same.

Mr. Tripp, from Committee on Printing, reported H. B. No. 19, and C. B. No. 6 correctly printed.

Mr. Clem (under previous notice) introduced H. B. No. 21, "An Act to amend an Act declaring what shall constitute a lawful fence," approved December 9, 1867.

Mr. McCabe, without notice, introduced H. B. No. 22, "An Act concerning elections."

Mr. Ralston, without previous notice, introduced H. B. No. 23, "An Act to provide for the funding of the outstanding indebtedness of Montana Territory, and the redemption of the 15 per cent. bonds."

Mr. Dixon (under previous notice) introduced H. B. No. 24, "An Act to prescribe the time of the holding of the terms of the Supreme Court." Also, H. B. No. 25, "An Act to provide for the forfeiture to the territory of Montana of placer mines held by aliens."

Mr. Bass (under previous notice), introduced H. B. No. 26, entitled "An Act to amend an Act defining the Council and Representative Districts of the territory of Montana, apportioning the members of the Legislative Assembly thereof, approved December 13, 1867."

Communication from the Council, through Chief Clerk Arick, giving notice that H. B. No. 5, "An Act regarding miners, prospectors, and others," had passed the Council. Also, that C. B. No. 10, "An Act to provide for the additions to the Law Library of Montana Territory," has been indefinitely postponed.

H. B. No. 5, having passed both Houses, was ordered enrolled.

H. Bs. Nos. 21, 22, 23, 24, 25, and 26, were taken up, read first and second times, and ordered printed.

H. B. No. 19 was taken up, and referred to Finance Committee.

C. B. No. 6 was taken up, and referred to Judiciary Committee.

On motion of Mr. Lowry of Lewis and Clarke, House adjourned until 10, A. M., to-morrow.

SEVENTEENTH DAY.

December 20, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.
Roll called—quorum present.

Absent—Messrs. Johnson, and Lowry of Jefferson.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Garoutte, from Engrossment Committee, reported back H. B. No. 12, with errors, for the action of the House.

Mr. Tripp, from Committee on Printing, reported back H. Bs. Nos. 17 and 18, correctly printed. Also, that the Joint Committee on Printing have conferred with the proprietor of *The Montanian*, and find that his charges for printing will be \$1.00 per 1000 ems over and above what the Government allows.

Communication from the Council, through Arick, Chief Clerk, was received, giving notice that C. J. R. No. 1, "In relation to newspapers," had been returned by the Governor, without his signature, and also enclosing the Governor's Message, containing his objections thereto. And that the Council has reconsidered said Resolution, and that it passed the Council by a vote of more than two-thirds.

Also, that the Governor had returned to the Council, for amendment to title, H. J. Rs. Nos. 2 and 3, and that the Council has amended the title thereof, and returned said resolutions herewith to the House, as amended.

Also, C. B. No. 5, "An Act relating to the killing of game and catching of fish;" C. B. No. 21, "An Act to amend an Act entitled 'An Act to regulate proceedings, in civil cases, in the courts of justice of Montana Territory,' approved December 28, 1867;"

H. B. No. 2, with amendments, and H. B. No. 7, have passed the Council.

C. J. R. No. 1, with Governor's Message objecting thereto, was taken up, and read.

Mr. Jordan moved a reconsideration of C. J. R. No. 1. Agreed to.

On the question—"Will the House, on reconsideration, agree to pass the bill?"—the ayes and nays were ordered, and resulted as follows:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Jordan, McCabe, Poindexter, Searles, Smith, Tripp, Vivion, Whitney, and Williams—13.

Nays—Messrs. Dixon, Garoutte, Lowry of Lewis and Clarke, Metlin, Pratt, Ralston, Tate, and Mr. Speaker—8.

Absent, Messrs. Johnson, and Lowry of Jefferson.

And not having received two-thirds of all the votes cast, the resolution was lost.

Council Substitute for H. J. Rs. Nos. 2 and 3 were taken up, and, on motion of Mr. Smith, further action thereon was postponed until to-morrow.

H. B. No. 7, having passed the Council and returned to this House, was ordered enrolled.

C. B. No. 5, "An Act relating to the killing of game and catching of fish," was taken up, read first and second times, and referred to Committee on Territorial Affairs.

C. B. No. 21, "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in courts of justice of Montana Territory,'" was taken up, read first and second times, and referred to Committee on Judiciary.

C. B. No. 9, "An Act to define the boundaries of Deer Lodge County," was taken up, read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 12, reported back by Committee on Engrossment, was taken up, and, on motion of Mr. Lowry of Lewis and Clarke, Clerk was instructed to correct the errors referred to by said Committee.

H. B. No. 2, with Council amendments, was taken up, and referred to Judiciary Committee.

Mr. Aiken (under previous notice), introduced H. B. No. 27, "An Act to amend an Act entitled 'An Act to provide for the formation of corporations for certain purposes,' approved December 13, 1867." Read first and second times, and referred to Judiciary Committee.

H. B. No. 17 was taken up, and referred to Committee on Mines and Minerals.

H. B. No. 18 was taken up, and referred to Judiciary Committee.

The report of the Committee on Ways and Means, on that portion of the Governor's Message referred to them, was taken up and adopted.

On motion of Mr. Lowry of Lewis and Clarke, House adjourned until 10, A. M., to-morrow.

EIGHTEENTH DAY.

December 21, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Puett, from Committee on Finance, reported back H. B. No. 19, recommending that the bill do not pass.

Mr. Garoutte, from Committee on Engrossment, reported H. B. Nos. 10 and 12 correctly engrossed.

Mr. Tripp, from Committee on Printing, reported H. Bs. Nos. 6 and 16 correctly printed.

Mr. Searles gave notice that he would at some future day introduce a bill entitled "An Act to amend 'An Act relating to the support of the poor,' approved February 9, 1865."

Mr. Garoutte, by unanimous consent, without previous notice, introduced H. B. No. 28, "An Act to provide for the reporting of the decisions of the Supreme Court."

Mr. Lowry of Lewis and Clarke, by consent, without previous notice, introduced H. J. R. No. 4, "In relation to Auditor's and Treasurer's reports."

Mr. Dixon, by consent, without previous notice, introduced H. B. No. 29, "An Act to provide for the compensation of Lewis McMurtry for services rendered as District Attorney, and as attorney under the appointment of the court, for the second judicial district of the territory of Montana."

C. S. for H. J. R. No. 2, and substitute for H. J. R. No. 3, were taken up, and it being the opinion of the House that no further action can be taken in their present form, the Clerk was instructed to return them to the Council.

H. J. R. No. 4, "In relation to Auditor's and Treasurer's reports," was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Lewis and Clarke, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

Message, from the Council, through Chief Clerk Arick, giving notice that C. J. R. No. 7, and C. J. M. No. 1, had passed the Council.

H. B. No. 28 was taken up, read first and second times, rules suspended, and referred to Judiciary Committee.

H. B. No. 29 was taken up, read first and second times, rules suspended, and referred to Committee on Ways and Means.

H. B. No. 6 was taken up, and referred to Committee on Education.

H. B. No. 16 was taken up, and referred to Committee on Mines and Minerals.

H. B. No. 18 was taken up, and ordered engrossed.

H. B. No. 2, with Council amendments, was taken up, read as amended, amendments concurred in, and ordered enrolled.

H. B. No. 10 was taken up, and on the question, "Shall the bill pass," the ayes and nays were ordered, and resulted as follows:—

Ayes—Messrs. Billing, Clem, Dixon, Garoutte, Johnson, Lowry of Jefferson, Metlin, Poindexter, Ralston, Searles, Smith, Tate, Whitney, Williams, and Mr. Speaker—15.

Nays—Messrs. Aiken, Bass, Jordan, Lowry of Lewis and Clarke, McCabe, Puett, Tripp, and Vivion—8.

Bill passed.

Title agreed to.

H. B. No. 19 was taken up, the report of the Finance Committee adopted, and, on motion of Mr. Lowry of Lewis and Clarke, was indefinitely postponed.

H. B. No. 12, "An Act to amend an Act entitled 'An Act to provide for and regulate the rates of charges for the publication of legal documents,' approved January 9, 1865," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry, of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—Mr. Lowry of Lewis and Clarke—1.

Title agreed to.

C. J. M. No. 1 was taken up, read first and second times, and referred to Committee on Federal Relations.

C. J. R. No. 7 was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Lewis and Clarke, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

C. B. No. 11 was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and

Clarke, McCabe, Metlin, Poindexter, Puett, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

The report of the Judiciary Committee on C. B. No. 21, recommending a postponement of the same, was adopted.

On motion of Mr. Searles, the bill was laid on the table.

Mr. Lowry of Lewis and Clarke, from the Judiciary Committee, reported back C. B. No. 6, with amendments. Report adopted.

On motion of Mr. Johnson, House took a recess until 2, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Mr. Williams.

Mr. Lowry of Lewis and Clarke, gave notice of the future introduction of a bill entitled "An Act to provide for the care and custody of the library of the territory of Montana."

Mr. Vivion gave notice that he would, on to-morrow, or some future day, introduce a bill entitled "An Act to establish and regulate county treasurers."

Mr. McCabe moved a reconsideration of the vote by which C. J. R. No. 1 (which had been returned by the Governor without his approval), was lost.

Mr. Speaker declared the motion out of order.

Mr. Johnson appealed from the decision of the Speaker, and the Speaker (was) overruled by a count of the House.

Mr. Searles moved a reconsideration of the vote by which the Speaker was overruled. The motion was agreed to, and the Speaker's decision was sustained.

On motion of Mr. Jordan, the Chaplain of the House was granted leave of absence until Monday morning.

Mr. Smith moved that the House take a recess until 7 A. M. Lost.

On motion of Mr. Dixon, House adjourned until 10 A. M., to-morrow.

NINETEENTH DAY.

December 22, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll call—absent, Messrs. Billing, Lowry, of Lewis and Clarke, Metlin, and Smith.

The minutes of yesterday read and approved.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 18, correctly engrossed.

Mr. Speaker announced that he had appointed Messrs. Vivion and Lowry, of Jefferson, as additional members of Judiciary Committee.

Mr. Lowry of Jefferson, from Committee on Mines and Minerals, reported back H. B. No. 16, and recommended its passage.

Mr. Lowry of Jefferson, from same committee, reported back H. B. No. 20, and recommend that it do not pass.

Mr. Lowry, from same committee, H. B. No. 17, with amendments, and recommend its passage as amended.

Mr. Johnson, from Committee on Federal Relations, reported back C. J. M. No. , with amendments, and recommended its passage as amended.

Mr. Aiken (under previous notice) introduced H. B. No. 30, entitled "An Act to provide for the publication of the laws of the Seventh Session of the Legislative Assembly of the Territory of Montana."

C. B. No. 6, with House amendments, was taken up, and amendments ordered engrossed.

C. J. M. No. 1, with House amendments, was taken up and adopted.

A message from the Governor, through his Private Secretary, George Callaway, containing his pardoning report, was received.

H. B. No. 16 was taken up, and on motion of Mr. Lowry of Lewis and Clarke, was referred to Judiciary Committee.

H. B. No. 17 was taken up, with amendments, and on motion of Mr. Dixon, was referred to Joint Judiciary Committee.

H. B. No. 20—"An Act to amend an Act entitled 'An Act for the collection of revenue,' approved January 15, 1869," was taken up, and on motion of Mr. Johnson, was indefinitely postponed.

H. B. No. 30 was taken up, read first and second times, and ordered printed.

Mr. Searles gave notice that he would, on to-morrow, move a reconsideration of the vote by which H. B. No. 20 was indefinitely postponed.

On motion of Mr. Johnson, Mr. Jordan was granted leave of absence until Tuesday, December 26, 1871.

H. B. No. 18—"An Act in relation to district attorneys," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Ralston, Poindexter, Puett, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. President—23.

Nays—None.

Title agreed to.

His Excellency the Governor's message, containing pardon reports, was taken up, read, and referred to Committee on Territorial Affairs, with instructions to print the same.

Mr. Lowry of Lewis and Clarke, moved that the committee be instructed to have 1000 copies printed.

Mr. Searles moved to amend by inserting 500.

Mr. Johnson moved to amend the amendment by inserting 200, and the amendment to the amendment was adopted.

On motion of Mr. Garoutte, leave of absence was granted Mr. Poindexter until 2 P. M. Tuesday next.

H. J. R. No. 4 was returned from Council, passed, and ordered enrolled.

H. J. R. No. 14—"An Act to provide for the compensation of Newton Dickinson for services rendered the territory of Montana," was taken up, read first and second times, and referred to Committee on Ways and Means.

Report of the Code Commission was taken up, and referred to Joint Judiciary Committee.

On motion of Mr. Lowry of Lewis and Clarke, House adjourned until 10 A. M. to-morrow.

TWENTIETH DAY.

December 23, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Lowry of Jefferson, and Lowry of Lewis and Clarke.

Absent on leave, Messrs. Jordan and Poindexter.

Minutes of yesterday read and approved.

Mr. Tripp, from Committee on Printing, reported H. Bs. Nos. 25 and 26 correctly printed.

Mr. Searles, from Joint Committee on Enrolment, reported H. J. R. No. 4 correctly enrolled.

Communication from the Council, through Mr. Arick, Chief Clerk, was received, giving notice that the Conference Committee on H. B. No. 3, and Council substitute therefor, have reported to the Council, recommending that said bill be postponed indefinitely, and that C. B. No. 27, "An Act to amend an Act entitled 'An Act concerning conveyances,' be introduced in lieu thereof, and that the Council has adopted said report, and C. B. No. 27 has been introduced by the committee. Also, that Mr. Laurence has given notice of the introduction of "An Act to provide for the election of District Assessors."

Mr. Speaker announced that he had signed H. J. R. No. 4.

Mr. Johnson, by leave (without previous notice), introduced H. B. No. 31, "An Act exempting certain property from execution."

Mr. Garoutte, from Committee on Engrossment, reported amendments to C. J. M. No. 1 correctly engrossed.

H. B. No. 25 was laid on the table for one week.

H. B. No. 26 was referred to Committee on Elections.

H. B. No. 31, "An Act exempting certain personal property from execution," was taken up, read first and second times, and referred to Judiciary Committee.

C. J. M. No. 1, with amendments, was read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Johnson, Lowry of Jefferson, McCabe, Metlin, Puett, Ralston, Searles, Smith, Tate, Tripp, Whitney, and Mr. Speaker—16.

Nays—Messrs. Dixon, Garoutte, Lowry of Lewis and Clarke, and Vivion—4.

Absent by leave, Messrs. Jordan and Poindexter.

Mr. Searles, from Joint Committee on Enrolment, gave notice that he did, at 10.20, A. M., deliver to his Excellency the Governor for his approval

Message from his Excellency the Governor, was received through his Private Secretary, Mr. George Callaway, giving notice that he had signed H. J. R. No. 4.

Mr. Speaker appointed Messrs. Bass and Johnson as additional members of Committee on Elections.

On motion of Mr. Searles, the vote by which H. B. No. 20 was indefinitely postponed was reconsidered.

Mr. Johnson moved that the bill be referred to Committee of the Whole.

Mr. Dixon moved to amend by referring it to Joint Committee on Revenue. Lost.

Bill referred to Committee of the Whole.

House went into Committee of the Whole on H. B. No. 20 Mr. Searles in the chair.

House resumed, Mr. Speaker in the chair.

Communication from the Council, through R. E. Arick, Chief Clerk, was received, giving notice that C. B. No. 27, "An Act to amend 'An Act concerning conveyances,'" and H. B. No. 12, "An Act to amend an Act entitled 'An Act to provide for and regulate the rates of charges for the publication of legal docu-

ments,' " have passed the Council. Also, that H. B. No. 14, "An Act to encourage the introduction of blooded stock," has passed the Council with amendments.

House went into Committee of the Whole on H. B. No. 20, Mr. Searles in the chair.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Vivion, Mr. Tate was granted leave of absence until Friday next, at 10, A. M.

On motion of Mr. Searles, House took a recess until 2, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Clem, and Lowry of Lewis and Clarke.

Mr. Smith, from Committee on Territorial Affairs, to whom was referred the Governor's pardon report and the printing thereof, reported the same printed in *Daily Montana*.

Mr. Garoutte, from Committee on Engrossment, reported House amendments to C. B. No. 6 correctly engrossed.

Mr. Vivion gave notice that he would, on Tuesday or some future day, ask leave to introduce a bill entitled "An Act relating and defining the duties of collectors, clerks, and other county officers."

H. B. No. 32, "An Act providing for the collection of revenue," was introduced by Joint Committee on Revenue.

Mr. Vivion, under previous notice, introduced H. B. No. 33, "An Act relating to County Commissioners."

H. B. No. 14, with Council amendments, was postponed until Tuesday.

C. B. No. 27, "An Act to amend an Act entitled 'An Act concerning conveyances,'" was read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Met-

lin, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—None.

Absent, Mr. Clem; absent on leave, Messrs. Poindexter and Jordan.

H. B. No. 32 was taken up, rules suspended, first and second reading dispensed with, and 150 copies ordered printed.

H. B. No. 33 was taken up, read first and second times, and referred to Joint Committee on Revenue.

C. B. No. 6, with House amendments, was read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Garoutte, Dixon, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—None.

Absent, Mr. Clem; absent on leave, Messrs. Poindexter and Jordan.

On motion of Mr. Searles, House adjourned until 10, A. M., Tuesday.

TWENTY-THIRD DAY.

December 26, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Messrs. Jordan, Poindexter, and Tate.

Prayer by the Chaplain.

Minutes of Saturday read and approved.

Mr. Searles presented a petition from A. M. Holter & Bro. Referred to Finance Committee.

Mr. Williams, from the Committee on Town and Counties,

reported back C. B. No. 9, "An Act to define the boundaries of Deer Lodge County," and recommend its passage.

Mr. Searles, from the Committee of the Whole, reported H. B. No. 20, and recommend that it be referred to the Joint Committee on Revenue.

Mr. Johnson gave notice of the introduction of a bill entitled "An Act to amend an Act to provide increased compensation to officers in the territory of Montana."

Mr. Vivion, under previous notice, introduced H. B. No. 34, "An Act defining the duties of collectors, clerks, and other county officers."

Mr. Ralston, by consent, without previous notice, introduced H. B. No. 35, "An Act regulating the fees of Clerks of the District Courts."

On motion of Mr. Lowry of Lewis and Clarke, H. B. No. 20 was referred to the Joint Committee on Revenue.

H. B. No. 34 was taken up, read first and second times, and referred to the Joint Committee on Revenue.

H. B. No. 10 was returned from the Council, passed, and ordered enrolled.

Mr. Lowry, from the Judiciary Committee, reported back H. B. No. 16, with amendments, and recommended its passage as amended. Report adopted, and bill as amended ordered engrossed.

A communication from the Council, through Mr. Arieck, Chief Clerk, was received, giving notice that H. B. No. 10, "An Act to prevent swine from running at large," had passed the Council.

H. B. No. 35 was read first and second times, and on motion of Mr. Vivion, rules were suspended, and bill referred to the Finance Committee.

A communication from the Council was received, giving notice that the additional report of the Code Commission had been referred to the Joint Judiciary Committee of the Council, with the request that they sit as a joint committee thereon, with the Judiciary Committee of the House. Report of Code Commission was read and referred to the Judiciary Committee, who are requested to act with Council Judiciary Committee.

C. B. No. 9 was read third time, and passed by the following vote :—

Ayes—Messrs. Aiken, Bass, Clem, Dixon, Garoutte, Lowry of Jefferson, McCabe, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—16.

Nays—Messrs. Johnson and Metlin—2.

Absent, Messrs. Billing, and Lowry of Lewis and Clarke; absent on leave, Messrs. Jordan, Poindexter, and Tate.

Mr. Smith, from the Committee on Territorial Affairs, reported back C. B. No. 5, with amendments. Adopted, and amendments ordered engrossed.

On motion of Mr. Ralston, House took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Billing, and Lowry of Lewis and Clarke; absent on leave, Messrs. Poindexter, Jordan, and Tate.

Mr. Searles, from the Committee on Education, reported back H. B. No. 6, "An Act to provide for a system of common schools," with amendments, and on motion of Mr. Searles, further consideration of the same be postponed until to-morrow.

Mr. Lowry of Lewis and Clarke, from the Judiciary Committee, reported back H. B. No. 28, with amendments, recommending its passage as amended.

H. B. No. 21 was referred to the Committee on Agriculture.

H. B. No. 22 was referred to the Committee on Engrossment.

H. B. No. 23 was referred to the Joint Committee on Ways and Means, with request to report on same, on to-morrow P. M.

Mr. Garoutte, from the Committee on Engrossment, reported amendments to C. B. No. 5 correctly engrossed.

C. B. No. 5, as amended, entitled "An Act relating to the killing of game and catching of fish," was taken up, read third time as amended, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Puett, Ralston, Searles, Smith, Vivion, and Williams—13.

Nays—Messrs. Clem, Garoutte, Johnson, Metlin, Tripp, Whitney, and Mr. Speaker—7.

Absent, Mr. Billing; absent on leave, Messrs. Jordan, Poin-dexter, and Tate.

Title agreed to.

On motion of Mr. Smith, House adjourned until ten A. M., to-morrow.

TWENTY-FOURTH DAY.

December 27, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent by leave, Mr. Tate.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Searles, from Committee on Enrolment, reported H. Bs. Nos. 2, 5, 7 and 10, correctly enrolled.

Mr. Puett, from Finance Committee, reported back petition of A. M. Holter & Bro., and recommended that it be referred to Joint Committee on Revenue.

Mr. Bass, under previous notice, introduced H. B. No. 36, "Concerning estrays."

H. B. No. 28 was ordered engrossed.

Committee on Education reported back H. B. No. 6, with amendments, which was read and adopted.

Mr. Searles, an amendment to Section 4, which was read and adopted, and the bill as amended was ordered engrossed.

The petition of A. M. Holter & Bro. was referred to Joint Committee on Revenue.

H. B. No. 36 was read first and second times, and ordered printed.

Mr. Speaker announced that he had, as Speaker of the House, signed H. Bs. Nos. 2, 5, 7, and 10.

Mr. Garoutte, from Committee on Engrossment, reported back H. B. No. 22, correctly engrossed.

H. B. No. 22, "An Act concerning elections," was read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Tripp, Vivion, Whitney, Williams and Mr. Speaker—18.

Nay—Mr. Aiken—1.

Absent, Messrs. Lowry of Lewis and Clarke, Searles and Smith; absent on leave, Mr. Tate.

Title agreed to.

Mr. Searles, from Committee on Enrolment, reported that he had, at ten A. M., handed to his Excellency, the Governor, H. Bs. Nos. 2, 5, 7, and 10, for his approval.

On motion of Mr. Jordan, House took a recess until two P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Messrs. Lowry of Lewis and Clarke, and Smith; absent by leave, Mr. Tate.

Mr. Dixon, from Committee on Ways and Means, to whom was referred H. B. No. 29, made a majority report on same with amendments, and recommended its passage as amended.

Mr. Jordan, from same committee, made a minority report, and recommended that it do not pass. Majority report with amendments adopted.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 16, correctly engrossed.

Mr. Tripp, from Committee on Printing, reported H. Bs. Nos. 24 and 30, correctly printed.

Mr. Billing gave notice of a bill for "An Act to define the boundaries of Choteau County."

Mr. Johnson gave notice of "An Act to prevent the waste of timber in Montana Territory."

Mr. Searles, under previous notice, introduced H. B. No. 37, "An Act to amend an Act entitled 'An Act relating to the support of the poor,' approved February 9, 1865."

Mr. Vivion, by consent, without previous notice, introduced H. B. No. 38, "An Act to survive certain actions to the representatives of certain persons."

Communication from the Governor, through George Callaway, Private Secretary, relating to clothing territorial convicts, read and referred to Committee on Territorial Affairs.

H. B. No. 37 read first and second times, and referred to Committee of the Whole.

H. B. No. 38 was read first and second time, and referred to Joint Judiciary Committee.

H. B. No. 24, "An Act to prescribe the time of the holding the terms of the Supreme Court," was taken up, rules suspended, read a third time by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Dixon, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Mr. Smith; absent on leave, Mr. Tate.

Title agreed to.

H. B. No. 30 was referred to Committee on Ways and Means.

H. B. No. 29, "An Act to provide compensation to Lewis McMurry, for services as Deputy District Attorney, and District Attorney of the Second Judicial District," report of Committee on Ways and Means read, and majority report, with amendments, adopted.

Communication from the Governor, through Private Secretary, George Callaway, giving notice that he had approved H. Bs. Nos. 2, 5 and 10.

H. B. No. 16, "An Act concerning rights of way, and other necessary means for the development of mines," was read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Clem, Jordan, Lowry of Jefferson, Lowry of Lewis and Clark, McCabe, Metlin, Poin-

dexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—19.

Nays—Mr. Johnson—1.

Absent, Mr. Smith; on leave, Mr. Tate.

Title agreed to.

House went into Committee of the Whole (under general orders), to consider H. B. No. 37, Mr. Dixon in the chair.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Dixon, House adjourned until 10, A. M., to-morrow.

TWENTY-FIFTH DAY.

December 28, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Mr. Puett; by leave, Mr. Tate.

Mr. Vivion was called to the chair.

Minutes of yesterday read and approved.

Mr. Billing presented a petition from citizens of Lewis and Clarke, and Choteau Counties, praying a change of boundary lines.

Mr. Jordan, from Committee on Ways and Means, reported, and asked further time on H. B. No. 23. Granted.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 29 correctly engrossed.

Committee of the Whole reported back H. B. No. 37, with amendments, recommending its passage, as amended.

Mr. Speaker resumed the chair.

Mr. Searles, from Joint Committee on Enrolment, reported C. Bs. Nos. 9, 11, and 27, C. J. R. No. 7, and H. B. No. 12, correctly enrolled.

Mr. Lowry, from Joint Judiciary Committee, reported back H. B. No. 38, with amendments, and recommended its passage, as amended.

Mr. Speaker announced that he had signed H. B. No. 12, C. Bs. Nos. 9, 11, and 29.

Mr. Lowry of Lewis and Clarke, offered the following :

Resolved, That the Committee on Ways and Means is requested and authorized to employ the Clerks of said Committee to serve the Joint Judiciary Committee, at all times when the Committee have no other use for the services of such Clerks. Adopted.

The petition of citizens of Lewis and Clarke, and Choteau Counties, was referred to Committee on Towns and Counties.

H. B. No. 37, "An Act to amend an Act entitled 'An Act relating to support of the poor,'" reported back from Committee of the Whole, was read as amended, amendments adopted, rules suspended, considered engrossed, read third time, and passed by the following vote :—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent—Mr. Puett; by leave, Mr. Tate.

Title agreed to.

H. B. No. 38, with amendments of Judiciary Committee, was read as amended, amendments adopted, and ordered engrossed.

Communication from his Excellency the Governor, giving notice that he had approved H. B. No. 12, "An Act to amend an Act to provide for and regulate the rate of charges for publication of legal documents, approved January 9, 1865."

H. B. No. 29, "An Act to provide compensation for Lewis McMurtry, for services as Deputy District Attorney, and as District Attorney under appointment of the Court, was read third time, and passed by the following vote :—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Johnson, Lowry of Lewis and Clarke, McCabe, Poindexter, Searles, Smith, Vivion, and Whitney—13.

Nays—Messrs. Clem, Jordan, Lowry of Jefferson, Metlin, Ralston, Tripp, Williams, and Mr. Speaker—8.

Absent, Mr. Puett; on leave, Mr. Tate.

Title agreed to.

Mr. Lowry, from Judiciary Committee, reported back H. B. No. 27, "An Act relating to corporations," recommending its passage. Rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Mr. Puett; by leave, Mr. Tate.

Title agreed to.

Communication from the Council, through Arick, Chief Clerk, was received, giving notice that H. B. No. 14, "An Act to encourage the introduction of blooded stock," has passed the Council, with amendments.

Also, that H. B. No. 13, "Authorizing the commissioners of Missoula County to levy a special tax for bridge purposes," and C. J. R. No. 8, "In relation to the introduction of bills," have passed the Council.

Also, that the Council has concurred in House amendments to C. B. No. 5, "An Act relating to the killing of game and catching of fish."

Also, that H. B. No. 24, and C. B. No. 18, "An Act to amend an Act relating to counties and county officers," have passed the Council.

Also, that the Committee on Ways and Means of the Council have introduced C. B. No. 31, "An Act to provide for the payment of the members, officers, and employes of the Legislature of the territory of Montana.

H. B. Nos. 13 and 24 having passed the Council and returned to the House, were ordered enrolled.

C. B. No. 18, "An Act to amend an Act entitled 'An Act in relation to counties and county officers,'" read first and second times, and referred to Judiciary Committee.

H. B. No. 24, with Council amendments, was concurred in and ordered enrolled.

C. J. R. No. 8, "In relation to the introduction of bills," was read first and second times, and moved special order of business for 11 o'clock to-morrow.

On motion of Mr. McCabe, House took recess until 2 P. M.

TWENTY-SIXTH DAY.

December 29, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Mr. Tate.

Prayer by Chaplain.

Minutes of yesterday read and approved.

Mr. Jordan, from Joint Judiciary Committee, reported back H. Bs. Nos. 33 and 34, with amendments.

Mr. Jordan, from Joint Committee on Ways and Means, reported back C. B. No. 14, recommending it do pass.

Mr. McCabe, from Committee on Elections, reported back H. B. No. 26, recommending it do pass.

Mr. Garoutte, from Committee on Enrolment, reported H. B. No. 28 correctly engrossed.

Mr. Billing, under previous notice, introduced H. B. No. 39, "An Act to define the boundary lines of Choteau County."

Mr. Johnson, by leave, without notice, introduced H. B. No. 40, "An Act concerning certain powers, duties, and fees of the Secretary of the territory."

Mr. Vivion, by leave, without notice, introduced H. B. No. 41, "An Act creating the office of 'District Attorney,' and repealing certain Acts."

Mr. Puett, under previous notice, introduced H. B. No. 42, "An Act concerning county warrants and other purposes."

Mr. Metlin offered the following:—

Resolved, That a committee of three be appointed by the Speaker to investigate by what authority the Territorial Auditor

issued a warrant to Johnson, Clerk of the Judiciary Committee, on the 23d inst., for twelve day's services and mileage. Adopted.

Chair appointed as committee Messrs. Metlin, Ralston, and Jordan.

A communication was received from the Governor, through Callaway, private Secretary, returning H. B. No. 7 without his approval.

On motion of Mr. Jordan, further consideration of the Governor's communication was postponed until to-morrow.

H. B. No. 39 taken up, read first and second times, Mr. Jordan was called to the chair, and the bill (H. B. No. 39) referred to the Committee on Towns and Counties.

Mr. Speaker resumed the chair.

H. B. No. 40 was read first and second times, and referred to Committee on Federal Relations.

H. B. No. 41 read first and second times, and ordered printed.

H. B. No. 42, "An Act concerning county warrants, and for other purposes," was read first and second times, and ordered printed.

C. C. R. No. 8 was laid on the table.

The report of the Committee on Elections on H. B. No. 26 was adopted, and bill ordered to be engrossed.

Mr. Lowry of Lewis and Clarke, introduced H. B. No. 5, "To appoint a certain committee," read first time.

Communication received from Council, through Mr. Arick, Chief Clerk, giving notice that H. B. No. 9 and C. B. No. 3 have passed the Council.

Also, that the Council refuse to concur in House amendments to C. B. No. 6, and respectfully request the House to recede therefrom.

Also, that C. B. No. 31 has passed the Council, and that C. B. No. 17 had been indefinitely postponed.

Mr. Jordan was called to the chair.

Mr. Speaker resumed the chair.

H. B. No. 28, "An Act to provide for reporting the decisions of the Supreme Court," was read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, on leave, Mr. Tate.

Title agreed to.

On motion of Mr. Johnson, House took a recess to 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, by leave, Mr. Tate.

Mr. Searles, from Joint Committee on Enrolment, reported H. Bs. Nos. 13 and 24, and C. B. No. 5, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 13 and 24.

Mr. Johnson gave notice that he would, at some future day, introduce a bill to regulate the tolls of flouring mills.

Mr. Dixon, by consent, without notice, introduced H. B. No. 43, "An Act to attach the counties of Choteau, Big Horn, and Dawson, to other counties for judicial purposes."

Mr. Bass, by consent, without notice, introduced H. B. No. 44, "An Act to amend an Act relating to counties and county officers, approved February 9, 1865."

H. B. No. 43 was read first and second times, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent by leave, Mr. Tate.

Title agreed to.

H. B. No. 44 was read first and second times, rules suspended, and referred to Committee on Elections.

H. B. No. 32 was read first and second times, rules suspended, and referred to Joint Committee on Revenue.

H. B. No. 33 (amended by Joint Committee on Revenue) was taken up, amendments read and adopted.

H. B. No. 34 was taken up, and the amendments reported by the Joint Committee on Revenue were referred, with the bill, to the same committee.

H. B. No. 5—"An Act to provide for a system of common schools," was taken up, rules suspended, read third time by title, and passed by the following vote:

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Whitney, Williams, and Mr. Speaker—19.

Nays—Messrs. Dixon, Johnson, and Vivion—3.

Absent, Mr. Tate.

Title agreed to.

C. B. No. 4—"An Act to provide for the compensation of Newton Dickinson, for services rendered the territory of Montana, was taken up, and, on motion, was postponed until 11 A. M. to-morrow.

H. B. No. 9, having passed the Council and returned to this House, was ordered enrolled.

On motion of Mr. Lowry, House adjourned to 10 A. M. to-morrow.

TWENTY-SEVENTH DAY.

December 30, 1871.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Mr. Tate.

Prayer by the Chaplain.

The minutes of yesterday read and approved.

Mr. Bass presented a petition from the County Commissioners of Missoula County asking relief. Read, and referred to the Committee on Ways and Means.

Mr. Puett, from Committee on Finance, reported back H. B. No. 35, recommending it be referred to Joint Judiciary Committee.

Committee on Mines and Minerals reported back H. B. No. 15 with amendments.

Mr. Garoutte, from Engrossing Committee, reported H. Bs. Nos. 26 and 38 correctly engrossed.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back H. B. No. 36 with amendments, recommending it do pass as amended.

Committee on Territorial Affairs reported back his Excellency the Governor's message, with a bill to carry out the suggestions therein.

Mr. Jordan, from Joint Committee on Revenue, reported back H. Bs. Nos. 32 and 34 with amendments.

Committee on Territorial Affairs introduced H. B. No. 45, "An Act authorizing the Governor to contract for the keeping, clothing, and maintenance of territorial convicts, and furnishing clothing when discharged."

Mr. Speaker gave notice that he had signed C. B. No. 5.

Mr. Searles, by consent, without notice, introduced H. B. No. 46, "An Act to amend an Act entitled 'An Act to authorize the county commissioners of the several counties of the territory of Montana to fund the debt of their respective counties,' approved November 23, 1867."

Mr. Searles, from Enrolling Committee, gave notice that at 10.40 A. M., this day, he had handed to the Governor, for his approval, H. Bs. Nos. 13 and 24.

H. B. No. 45 was taken up, read first and second times, rules suspended, and ordered engrossed.

H. B. No. 46 was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke,

McCabe, Metlin, Poindexter, Ralston, Searles, Smith, Tripp, Vivion, Williams, and Mr. Speaker—19.

Nays—Messrs. Puett and Whitney—2.

Absent, Mr. Tate.

Title agreed to.

Communication received from his Excellency the Governor, through his Private Secretary, G. Callaway, giving notice that he had signed and approved H. Bs. Nos. 13 and 24.

Joint Committee on Ways and Means reported back H. B. No. 23, recommending it do pass. Report received and adopted, and the bill ordered engrossed.

H. B. No. 15 was taken up, amendments read and adopted, and on motion of Mr. Vivion, made special order of business for 2 P. M. this day.

A communication from Council, through R. E. Arick, Chief Clerk, was received, giving notice that the following bills passed the Council, to wit:—

C. B. No. 23—"An Act to authorize the issue of duplicate warrants by the Territorial Auditor, in certain cases."

C. B. No. 28—"An Act relating to military stores and arsenals in Montana Territory."

H. B. No. 16—"An Act concerning rights of way, and other necessary means, for the development of mines."

H. B. No. 34, was taken up, read as amended, amendments adopted, and ordered engrossed.

H. B. No. 26, "An Act to amend an Act entitled 'An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof,' approved December 13, 1867," read third time.

Mr. Searles moved a call of the House.

Roll called—absent, Mr. Tate.

Call suspended, the bill put on its final passage, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Puett, Ralston, Searles, Smith, Vivion, Williams, and Mr. Speaker—16.

Nays—Messrs. Garoutte, Johnson, Metlin, Poindexter, Tripp, and Whitney—6.

Absent, Mr. Tate.

Title agreed to.

Mr. Lowry moved a reconsideration of the vote by which H. B. No. 26 passed.

Mr. Smith moved to lay the motion to reconsider on the table. Carried.

On motion of Mr. McCabe, House took a recess until two P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—absent, Mr. Tate.

Mr. Dixon, from Judiciary Committee, reported back H. B. No. 18, recommending its passage.

Mr. Metlin, from the Select Committee, to whom was referred the business of inquiring by what authority a certain warrant was issued by the Territorial Auditor, in favor of Johnson, Clerk of the Judiciary Committee, make the following report:—

MR. SPEAKER:—Your Committee appointed to wait upon the Territorial Auditor, and ascertain by what authority he issued a warrant in favor of Johnson, for the amount stated in said warrant, respectfully report that they have performed the duty, and that, in their judgment, there was no wrong committed by any person, in the issuing of the aforesaid warrant.

METLIN,
Chairman.

Report received and adopted.

Mr. Smith gave notice of the introduction of a bill entitled "An Act to change the seat of government of the territory of Montana."

Mr. Searles gave notice of the introduction of a bill entitled "An Act to define the duties of county assessors, of the several counties of this territory."

Mr. Metlin, by consent, without notice, introduced H. B. No. 47, "An Act to provide for the collection of statistics in Montana Territory."

H. B. No. 16, having passed the Council, was ordered enrolled.

C. B. No. 23, "An Act to authorize the issue of duplicate warrants in certain cases," was read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Tate.

Title agreed to.

Mr. Searles, from Committee on Enrolment, reported H. Bs. Nos. 9 and 14, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 9 and 14.

C. B. No. 28, "An Act relative to military stores and arsenals in Montana Territory," was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Tate.

Title agreed to.

C. B. No. 14, "An Act for the relief of Newton Dickinson, for services rendered the territory of Montana," having been made the special order for 11 A. M. this day, was taken up, amended by striking out \$500, and inserting \$1000, rules suspended, read third time, and lost by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Lowry of Jefferson, McCabe, Smith, Vivion, and Williams—10.

Nays—Messrs. Clem, Dixon, Garoutte, Lowry of Lewis and Clarke, Metlin, Poindexter, Puett, Ralston, Tripp, Whitney, and Mr. Speaker—12.

Absent, Messrs Searles and Tate.

Mr. Lowry moved a reconsideration of the vote by which C. B. No. 14 was lost.

Mr. Johnson moved a call of the House.

Roll called—absent, Searles and Tate. Sergeant-at-Arms ordered to bring in absentees. Mr. Searles reported in his seat.

On motion of Mr. Jordan, call suspended.

The vote on C. B. No. 14, was reconsidered, and the bill passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Johnson, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Searles, Smith, Vivion and Williams—12.

Nays—Messrs. Clem, Dixon, Garoutte, Metlin, Poindexter, Puett, Ralston, Tripp, Whitney, and Mr. Speaker—10.

Absent, Mr. Tate.

Title agreed to.

Communication received from Council, through Arick, Chief Clerk, giving notice that C. B. No. 13, "An Act in relation to roads, cartways, and bridges."

C. B. No. 29, "An Act in relation to litigants."

C. B. No. 33, "An Act in relation to marks and brands."

And H. B. No. 43, "An Act to attach the counties of Choteau, Big Horn, and Dawson, to other counties for judicial purposes," had passed the Council.

Also, that H. B. No. 18, "An Act relating to District Attorneys," with Council amendments, had passed the Council.

H. B. No. 43 ordered enrolled.

C. B. No. 13, "An Act in relation to roads, cartways, and bridges," was taken up, rules suspended, read first and second times, by title, and referred to the Committee on Roads and Highways.

Council amendments to H. B. No. 18 were read, and made the special order for Wednesday.

C. B. No. 29, "An Act in relation to the rights of litigants,"

read first and second times, and referred to the Judiciary Committee.

C. B. No. 33, "An Act in relation to brands and marks," read first and second times, and referred to the Committee on Agriculture and Manufactures.

H. B. No. 47, "An Act to provide for the collection of statistics in Montana," read first and second times, rules suspended, and referred to the Committee on Education.

On motion of Mr. Smith, House took a recess until 7, P. M.

SEVEN O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Searles, from the Committee on Enrolment, gave notice that at 3 P. M., this day, he handed to the Governor for his approval, H. Bs. Nos. 9 and 14.

Mr. Smith gave notice that he would, at some future day, introduce a bill to extend the right of suffrage in this territory to females over the age of eighteen years.

Mr. Vivion gave notice of the future introduction of a bill entitled "An Act to locate the seat of Government of Montana Territory."

Mr. Searles introduced H. J. R. No. 6, "An Act authorizing the Joint Committee on Enrolment to employ a clerk or clerks for certain purposes." Read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Johnson, Lowry, of Jefferson, Lowry, of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Messrs. Jordan and Tate.

Title agreed to.

C. B. No. 6, returned from Council, was taken up. House refused to recede from their amendments.

On motion of Mr. Lowry, a committee of conference, consisting of Messrs. Lowry, McCabe, and Tripp, on C. B. No. 6, was appointed, and the Council requested to appoint a like committee.

H. B. No. 25 was taken up. Mr. Johnson moved that the bill be referred to the Committee on Mines and Minerals.

Mr. Searles moved to amend, by referring it to Committee of the Whole, next Tuesday.

Mr. Lowry moved the previous question ; motion seconded. On the question, " Shall the bill be so referred ? " the motion was lost.

On motion of Mr. Searles, House went into Committee of the Whole, to consider H. B. No. 25, Mr. Searles in the chair.

House resumed, Mr. Speaker in the chair.

Roll called—absent, Mr. Tate.

Mr. Searles, from the Committee of the Whole, reported back H. B. No. 25, " An Act to provide for the forfeiture to the Territory of Montana, of placer mines held by a lease," recommending it pass without amendments.

Report received and adopted.

Bill read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, and Mr. Speaker—18.

Nays—Messrs. Garoutte, Johnson, Whitney, and Williams—4.

Absent, Mr. Tate.

Title agreed to.

Mr. McCabe moved to adjourn until Tuesday, 10 A. M.

Amended by Mr. Searles to 10 A. M., Monday.

Amendment adopted, and House adjourned to 10 A. M., Monday.

TWENTY-NINTH DAY.

January 1, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Mr. Tate.

On motion of Mr. Ralston, House adjourned until 10 A. M., to-morrow.

THIRTIETH DAY.

January 2, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Vivion presented a petition from the County Commissioners of Gallatin County and others, for special relief to T. B. Gray, late Treasurer and Collector of said county. Petition read and referred to select committee consisting of Messrs. Vivion, Puett, and Searles.

Communication from Council, through R. E. Arick, Chief Clerk, giving notice that C. B. No. 35, "An Act to regulate proceedings, in civil cases, in the courts of justice in Montana Territory," H. Bs. Nos. 27 and 28, and H. J. R. No. 6, had passed the Council.

Also, that H. B. No. 37, with Council amendments, had passed that body.

Mr. Lowry presented a petition from citizens of Jefferson County, asking for legislation on certain matters. On motion of Mr. Johnson, referred to Committee on Mines and Minerals.

Mr. Garoutte, from Committee on Engrossment, reported H. Bs. Nos. 23 and 45 correctly engrossed.

Judiciary Committee reported back C. B. No. 29, recommending its passage.

Mr. Searles gave notice that he would, at some future day, introduce a bill entitled "An Act for the aid and relief of the 'Montana Emigration Society.'"

Mr. Johnson (under previous notice), introduced H. B. No. 48, "An Act regulating the tolls of grist-mills in Montana Territory."

Mr. Lowry of Jefferson (by consent, without notice), introduced H. B. No. 49. "An Act to amend an Act entitled 'An Act concerning limitations,' approved February 9, 1865."

Mr. Clem introduced H. J. R. No. 7, "Authorizing the Secretary of the Territory to discharge certain duties."

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 33 correctly engrossed.

H. J. R. No. 6, and H. Bs. Nos. 27 and 28, were ordered enrolled.

H. B. No. 37, with Council amendments, was referred to Select Committee, consisting of Messrs. Smith, Searles, and Jordan.

Mr. Jordan was called to the chair.

C. B. No. 35, "An Act to regulate proceedings, in civil cases, in the courts of justice in Montana Territory," read first time by title, rules suspended, and referred to Judiciary Committee, with instructions to report at 2, P. M., this day.

Mr. Speaker resumed the chair.

C. B. No. 31, "An Act to provide for the pay of members, officers, and employees of the Legislative Assembly of the Territory of Montana," read first and second times, and referred to Committee on Territorial Affairs.

C. B. No. 3, "An Act to repeal an Act entitled 'An Act to provide increased compensation to officers in this territory,' approved January 16, 1869," read first and second times, and referred to Committee on Finance.

H. J. R. No. 7, "Authorizing the Secretary of the Territory to discharge certain duties," read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Tate.

Communication from the Governor (through Private Secretary Callaway), giving notice that he had approved and signed H. B. No. 14.

H. B. No. 48 taken up, read first and second times, and referred to Committee on Agriculture and Manufactures.

H. B. No. 49 taken up, read first and second times, rules suspended, and referred to Judiciary Committee.

Mr. Lowry introduced H. B. No. 50, "An Act concerning con-

spiracy;" read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Clem, Johnson, Lowry of Lewis and Clarke, McCabe, Metlin, Puett, Ralston, Searles, Vivion, Williams, and Mr. Speaker—12.

Nays—Messrs. Bass, Billing, Dixon, Garoutte, Jordan, Lowry of Jefferson, Poindexter, Smith, Tripp, and Whitney—10.

Absent, Mr. Tate.

Title agreed to.

H. B. No. 23, "An Act to provide for the funding of the outstanding indebtedness of the territory, and the redemption of the 15 per cent. bonds," was taken up, rules suspended, read third time, by title, and passed by following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Tate.

Title agreed to.

H. B. No. 33, "An Act relating to county commissioners," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Messrs. Lowry and Tate.

Title agreed to.

H. B. No. 45, "An Act to authorize the Governor to contract for the keeping, clothing, and maintenance of territorial convicts, and furnish them clothing when discharged," was taken up, rules suspended, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke,

McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Tate.

Title agreed to.

H. B. No. 8 taken up, and referred to Committee on Agriculture and Manufactures.

C. B. No. 18, "An Act to amend an Act entitled 'An Act relating to counties and county officers,'" was taken up, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Poindexter, Tripp, and Mr. Speaker—12.

Nays—Messrs. Aiken, Lowry of Lewis and Clarke, Metlin, Puett, Ralston, Searles, Smith, Vivion, Whitney, and Williams—10.

Absent, Mr. Tate.

Title agreed to.

H. B. No. 35, with report of Finance Committee, recommending it be referred to Judiciary Committee, was read, report adopted, and the bill so referred.

H. B. No. 28, "An Act to survive certain actions to the representatives of deceased persons," was taken up, and, under suspension of rules, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Tate.

Title amended to read "An Act to authorize the representatives of persons deceased to maintain action for injuries to the deceased in certain cases."

On motion of Mr. Vivion, House took a recess until 2, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—absent, Mr. Tate.

Mr. Searles, from Committee on Enrolment, reported H. Bs. Nos. 16 and 43, and H. J. R. No. 6, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 16 and 43, and H. J. R. No. 6.

Mr. Lowry, from Judiciary Committee, submitted a majority report on C. B. No. 35, with amendments.

Mr. Dixon, from same committee, submitted a minority report, recommending that the bill pass without amendments.

Mr. Jordan was called to the chair.

Mr. Vivion moved a call of the House.

Roll called—absent, Mr. Tate.

Further call of the House suspended.

The majority report of the Judiciary Committee on C. B. No. 35, was adopted.

Mr. Tripp, from Printing Committee, reported H. B. No. 42 correctly printed.

Mr. Searles, from Joint Committee on Enrolment, reported that he handed H. Bs. Nos. 16 and 43, and H. J. R. No. 6, to the Governor for his approval, at 2.30, P. M., this day.

Mr. McCabe, from Committee on Elections, reported back H. B. No. 44, recommending its passage.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 34 correctly engrossed.

On motion of Mr. Johnson, Mr. Speaker appointed Mr. Puett additional member of Committee on Agriculture and Manufactures.

Mr. Johnson, from Committee on Federal Relations, reported back H. B. No. 40, recommending it pass without amendments.

Mr. Vivion introduced, by consent (without previous notice), H. B. No. 51, "An Act to amend an Act entitled 'An Act to secure liens to mechanics and others,' approved December 30, 1864."

Mr. Vivion introduced H. J. R. No. 8, "In relation to copying journals."

Mr. Ralston moved a reconsideration of the vote by which H. B. No. 50 passed the House.

Mr. Searles moved a call of the House.

Roll called—absent, Messrs. Lowry and Tate.

Sergeant-at-Arms reported Mr. Lowry in seat.

Further call of House suspended.

The motion to reconsider the vote on H. B. No. 50 was lost by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Jordan, Lowry of Jefferson, Smith, Tripp, and Whitney—10.

Nays—Messrs. Clem, Johnson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Vivion, Williams, and Mr. Speaker—12.

Absent, Mr. Tate.

H. B. No. 51 was taken up, read first and second times, and referred to Judiciary Committee.

H. J. R. No. 8 was read first and second times, and referred to Committee on Finance.

H. B. No. 32, with amendments of Joint Committee on Revenue, was taken up. Amendments read.

Mr. Searles moved to amend by striking out the words "female dog" and inserting the word "bitch." Adopted.

Mr. Jordan moved to amend section seven, in the eighth line, after the word reside, by adding, "unless such live stock belonging to any permanent resident or residents, shall be turned out to run at large, in some other county, off the range of such permanent residents."

Pending action on the amendment,

On motion of Mr. Johnson, House adjourned to 10, A. M., to-morrow.

THIRTY-FIRST DAY.

January 3, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back H. B. No. 8, recommending its passage.

Mr. Smith, from Select Committee on H. B. No. 37, reported bill back, and recommend that the House do not concur in Council amendments thereto, and that the Council be requested to recede therefrom.

Mr. Jordan offered an amendment to H. B. No. 32, which was adopted, and ordered to be engrossed.

Council amendments to H. B. No. 37 were taken up and read.

House refused to concur therein, and requested the Council to recede therefrom.

Mr. Garoutte, from Committee on Engrossment, reported House amendments to C. B. No. 35 correctly engrossed.

H. B. No. 15, with amendments of Committee on Mines and Minerals, was taken up, and amendments adopted.

Mr. Lowry, of Lewis and Clarke, offered an additional amendment, which was adopted, and the amendments ordered engrossed.

The following communication was received from the Governor, through Private Secretary Callaway, returning H. B. No. 9 without his approval:—

EXECUTIVE DEPARTMENT,

Virginia City, Jan. 3, 1872.

To the House of Representatives.

I have the honor to return to the House of Representatives H. B. No. 9 ("An Act for the relief of Sample Orr"), without my approval.

On the sixteenth day of December, 1871, I sent to the Council the following message, viz.:

"To THE COUNCIL:—I have the honor to inform the Council that I have this day approved C. B. No. 2, 'An Act for the relief of 'W. S. Steele.'

"I deem it not improper to state that this bill, in its present form, belongs to a class of legislation that is dangerous to the best interests of the territory, and should not be further countenanced by your honorable body.

"The Legislature should, by a general law, provide that when the *bona-fide* owner of a territorial bond or warrant loses the same, or it is destroyed without his fault, that before another bond or warrant shall issue in lieu of the one lost or destroyed, the owner should be required to satisfy the Territorial Auditor of the loss or destruction of the same, and that he be then required to give a bond to the territory, with two or more sureties, in a sum double the amount of the bond or warrant lost or destroyed, to be approved by said Auditor, stipulating to indemnify the territory for any loss she may sustain, or payments she may be compelled to make, by reason of the bond or warrant represented as lost or destroyed being presented by an innocent holder and paid.

"I see no reason why you should not, by legislation, enforce the same rule against the holders of our bonds and warrants that courts of justice enforce against the owners of negotiable paper lost or destroyed. As evidence that this class of legislation is unsafe, I have the honor to cite two acts of the Legislature, one found on page 92, of the laws of 1869, and page 91, laws of 1870, granting duplicate and triplicate warrants to one S. W. Haskell.

"I am informed that the triplicate has been paid by the territory to said Haskell, and that the duplicate is now in the hands of an innocent party, who is demanding payment of the same from the territory.

"I approved the bill aforesaid, because said Steele states positively, in his affidavit, that the warrant was destroyed at a certain time by fire.

"I understand that the Hon. G. W. Stapleton (member of the Council from the county of Beaver Head), introduced into the

“Council a bill covering the suggestions contained in said message, and that the bill has passed both Houses, and only waits the signature of the Governor to make it a law.

“The relief sought by this bill can be readily obtained under the general law, and with perfect safety to the territory.

“I therefore return the bill to the House for its further consideration.

“Respectfully,

“B. F. POTTS,

“Governor.”

On motion of Mr. Johnson, further action on the communication was postponed until January 5, 1872.

C. B. No. 35—“An Act to regulate proceedings in civil cases in the courts of justice in Montana territory,” with House amendments thereto, was read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—Mr. Johnson—1.

Absent, Messrs. Dixon and Smith.

Title agreed to.

H. B. No. 42 was taken up, and referred to Finance Committee.

H. B. No. 40 was taken up, and referred to Judiciary Committee.

Communication received from Council, through Arick, Chief Clerk, giving notice that C. B. No. 19, “An Act to prevent Chinamen from holding or acquiring any interest in real estate or mining claims in the territory of Montana,” and C. B. No. 34, “An Act to create the office of Territorial Librarian and for other purposes,” have been indefinitely postponed.

Also, that C. B. No. 37, “An Act relative to Fire Wardens,” and H. B. No. 38, “An Act to authorize the representatives of persons deceased to maintain action for injuries to the deceased in certain cases,” have passed the Council.

Also, that the Council respectfully request the Chief Clerk of the House to transmit to the Council the House amendments to

C. J. M. No. 1, which were lost or mislaid by Council Committee on Federal Relations.

H. B. No. 36, with amendments of the Committee on Agriculture and Manufactures, was read, amendments adopted, and ordered engrossed.

H. B. No. 41 referred to Judiciary Committee.

H. B. No. 44 reported back by Committee on Elections, recommending it pass, ordered engrossed.

C. B. No. 29—"An Act in relation to the rights of litigants," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Dixon, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clark, McCabe, Metlin, Poindexter, Puett, Searles, Smith, Tripp, Tate, Vivion, Whitney, and Williams—19.

Nays—Messrs. Aiken, Johnson, Ralston, and Mr. Speaker—4.

Title agreed to.

H. B. No. 34—"An Act defining the duties of clerks, collectors, and other county officers," taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

On motion of Mr. Williams, House took a recess to 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—absent, Mr. Lowry, of Lewis and Clarke.

Mr. Searles, from Committee on Enrolment, reported H. Bs. Nos. 27 and 28 correctly enrolled.

Mr. Speaker announced that he had signed H. Bs. Nos. 27 and 28.

Mr. Dixon, from Judiciary Committee, reported back H. B. No. 51 with amendments, and recommended it pass as amended.

Mr. Puett, from Finance Committee, reported back H. B. No. 42 with amendments, and recommended its passage as amended.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back H. B. No. 48, recommending it do not pass.

Mr. Smith introduced H. B. No. 53—"An Act to change the seat of government of Montana Territory."

H. B. No. 38 ordered enrolled.

C. B. No. 37—"An Act relating to Fire Wardens," was taken up, read first and second times, rules suspended, read third time, and was lost by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Lowry of Jefferson, and Williams—7.

Nays—Messrs. Jordan, Poindexter, Puett, Ralston, Smith, Tate, Tripp, Vivion, Whitney, and Mr. Speaker—10.

Absent by leave, Garoutte, Johnson, Lowry of Lewis and Clarke, McCabe, Metlin, and Searles.

Mr. Jordan moved a reconsideration of the vote by which C. B. No. 37 was lost, and that the motion for reconsideration be laid on the table. Carried.

Mr. Clem moved a call of the House.

Roll called—all present. Further call dispensed with.

H. B. No. 7, with Governor's veto message, was taken up and postponed to Saturday, 2 P. M.

On motion of Mr. Lowry, House adjourned until ten A. M., to-morrow.

THIRTY-SECOND DAY.

January 4, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—absent, Mr. Smith.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back C. B. No. 33, with amendments.

Mr. Vivion, from Select Committee, to which was referred the petition from the County Commissioners of Gallatin County, reported the same back, with bill to carry into effect the prayer of said petition, which bill is H. B. No. 54, "An Act to legalize certain acts of the County Commissioners and Treasurer of Gallatin County."

Communication received from the Governor, giving notice that he had this day approved H. B. No. 43, and H. J. R. No. 6.

Amendments reported by Committee on Agriculture and Manufactures to C. B. No. 33, were read and adopted.

Mr. Jordan was called to the chair.

Council amendments to H. B. No. 18, were read, and on motion of Mr. Comley, the House refused to concur therein, and respectfully ask the Council to recede therefrom.

The Joint Committee on Judiciary introduced H. B. No. 55, "An Act concerning crimes and punishments."

Also, H. B. No. 56, entitled "The criminal practice Act."

On motion of Mr. Comley, House took a recess to two P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Searles was chosen Speaker, *pro tem*. Roll called—absent, Messrs. Lowry, Smith, and Mr. Speaker.

Mr. Johnson moved a call of the House. Sergeant-at-Arms ordered to bring in absentees. Mr. Speaker reported present.

Mr. Speaker in the chair.

On motion of Mr. Searles, further call of the House was suspended.

Communication from the Council was received through R. E. Arick, Chief Clerk, giving notice that C. B. No. 4, and H. Bs. Nos. 23, 34, and 45, had passed the Council.

Also, that the Council had refused to recede from its amendments to H. B. No. 37, and respectfully request the appointment of a Conference Committee thereon.

Also, that the Council has concurred in the House amendments to C. B. No. 14, and the House amendments to C. J. M. No. 1.

Also, that H. B. No. 45, and C. Bs. Nos. 25, and 36, have been read in Council third time and lost.

Also, that the Council has concurred in the House amendments to C. B. No. 35.

Mr. Lowry, from Judiciary Committee, reported back H. B. No. 41, with majority report, recommending it do not pass, and minority report with amendments, recommending it pass as amended.

Mr. Lowry, from Judiciary Committee, reported back H. B. No. 40, with amendments.

Mr. Garoutte, from Engrossment Committee, reported H. Bs. Nos. 8 and 41 correctly engrossed.

Mr. Searles, from Committee on Enrolment, reported that he handed H. Bs. Nos. 27, and 28, to the Governor for his approval, at 11.05, A. M., this day.

Mr. Dixon, from Judiciary Committee, reported back H. B. No. 49, with substitute, and recommended that the substitute do pass.

Mr. Jordan introduced H. J. R. No. 9, "In relation to pay for newspapers furnished the Assembly.

Mr. Lowry, from Conference Committee on C. B. No. 6, and House amendments thereto, reported same back, and recommended it pass as re-amended.

Mr. Dixon offered the following:—

Resolved, By the House, that the Committee on Territorial Affairs be instructed to report back to the House, at ten A. M., to-morrow (Jan. 5, 1872), C. B. No. 31, "Relative to pay of members of the Legislative Assembly." Adopted.

H. Bs. Nos. 23, 34, and 45, were ordered enrolled.

Mr. Speaker appointed Messrs. Searles, Aiken, and Clem, as Conference Committee on H. B. No. 37.

C. B. No. 5, "An Act to amend an Act entitled 'An Act relative to elections,' approved January 17, 1865," was taken up, read first and second times, and referred to Committee on Elections.

H. B. No. 53 read first and second times, and referred to Committee on Territorial Affairs.

H. B. No. 52 read first and second times, and referred to the Committee on Agriculture and Manufactures.

H. B. No. 54, "An Act to legalize certain acts of the board of commissioners and the treasurer and collector of Gallatin County," was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tate, Vivion, Williams, and Mr. Speaker—19.

Nays—Messrs. Jordan, Tripp, and Whitney—3.

Absent, Mr. Smith.

Title agreed to.

Communication received from the Governor, through G. Callaway, Private Secretary, giving notice that he had approved H. Bs. Nos. 27, and 28.

Mr. Johnson gave notice that he would, on to-morrow, move a reconsideration of the vote by which H. B. No. 50, passed this House.

Mr. Lowry moved an immediate reconsideration of the vote, and that the motion for reconsideration be laid on the table. Carried.

Amendments to H. B. No. 42, reported by Finance Committee, were read, adopted, and ordered engrossed.

Mr. Vivion offered the following:—

Resolved, That the Committee on Finance be instructed to report back to the House H. J. R. No. 8, at 11 o'clock, to-morrow. Adopted.

H. B. No. 55, "An Act concerning crimes and punishments," read first and second times, rules suspended, considered engrossed, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Ralston, Searles, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—Messrs. Johnson and Puett—2.

Absent, Mr. Smith.

Title agreed to.

H. B. No. 56, "Criminal Practice Act," read first and second times, rules suspended, considered engrossed, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nay—Mr. Johnson—1.

Absent, Mr. Smith.

Title amended to read "An Act to regulate proceedings in criminal cases in the courts of justice of Montana Territory."

H. B. No. 51, with amendments of Judiciary Committee, were taken up, amendments read, adopted, and ordered engrossed.

H. B. No. 49, "An Act to amend an Act entitled 'An Act concerning limitations,' approved February 9, 1865," was taken up, read first and second times, rules suspended, considered engrossed, read third time, by title, and passed by following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Smith.

Title agreed to.

H. B. No. 40, with amendments of Judiciary Committee, taken up; amendments read, adopted, and ordered engrossed.

On motion of Mr. Vivion, House adjourned to 10 A. M., tomorrow.

THIRTY-THIRD DAY.

January 5, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Puett, from Finance Committee, reported back H. J. R. No. 8, recommending it do not pass.

Messrs. Poindexter, Bass, and Billing, from Committee on Agriculture, reported back H. B. No. 21, recommending it do not pass.

Messrs. Puett, Whitney, and Tate, from the same committee, reported amendments to H. B. No. 21, and recommend that it pass as amended.

Mr. Smith, from Committee on Territorial Affairs, reported back C. B. No. 31, recommending it pass.

On motion of Mr. Dixon, report received and adopted.

Mr. Tate gave notice that on to-morrow, or at some future day, he would introduce a bill entitled "An Act to re-locate the county seat of Gallatin County," subject to a vote of the legal voters of said county at the next general election.

H. J. R. No. 9, "In relation to pay for newspapers," read first and second times, and referred to select committee of one, Mr. Jordan.

C. B. No. 1 referred to Committee on Finance.

H. J. R. No. 8, "In relation to copying journals," was laid on the table.

Amendments to H. B. No. 6, offered by the Conference Committee, were read, adopted, and ordered engrossed.

H. B. No. 21, with reports of Committee on Agriculture and Manufactures, one with amendments, recommending it to pass as amended, and one recommending it do not pass, was taken up. Report, with amendments, adopted.

Mr. Vivion offered an amendment. Lost. Bill ordered engrossed.

Mr. Speaker gave notice that he had signed C. Bs. Nos. 18, 23, 28, and 29.

Communication received from the Governor, through G. Callaway, private Secretary, giving notice that he had, on the fourth day of January, 1872, approved H. B. No. 16.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 15 correctly engrossed.

Minority report of Judiciary Committee on H. B. No. 41 was

adopted, and referred to Mr. Lowry, of said committee, with instructions to report this P. M.

H. B. No. 44, "An Act amendatory of an Act entitled 'An Act relating to counties and county officers,'" was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

H. B. No. 8, an Act entitled "An Act to prevent bulls from running at large at certain seasons of the year," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Garoutte, Jordan, Johnson, McCabe, Metlin, Poindexter, Puett, Searles, Tate, Whitney, and Williams—14.

Nays—Messrs. Aiken, Dixon, Lowry of Jefferson, Lowry of Lewis and Clarke, Ralston, Smith, Tripp, Vivion, and Mr. Speaker—9.

Title agreed to.

On motion of Mr. Clem, House took recess to 2, P. M.

TWO O'CLOCK, P. M..

House resumed, Mr. Speaker in the chair.

Roll called—all present.

Mr. Puett, from Finance Committee, reported back C. B. No. 31, recommending its passage.

On motion of Mr. Dixon, report received and adopted.

Mr. Searles, from Joint Committee on Enrolment, reported H. Bs. Nos. 14 and 34, and C. J. M. No. 1, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 14 and 34, and C. J. M. No. 1.

Mr. Jordan, Select Committee of One, reported back H. J. R. No. 1, with amendments.

C. B. No. 31, "An Act to provide for the pay of the members, officers, and employees of the Legislative Assembly of the territory of Montana," was taken up.

Mr. Searles offered an amendment to section five. Lost.

Mr. Searles offered an additional amendment. Lost.

Mr. Clem offered an amendment. Lost.

Mr. Clem moved a call of the House.

Roll called—all present.

Call suspended.

Mr. Searles moved the previous question, and being seconded, the main question was put, rules suspended, bill read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Whitney, Williams, and Mr. Speaker—21.

Nays—Messrs. Clem and Vivion—2.

Title agreed to.

H. B. No. 48, "An Act regulating tolls of grist mills in Montana Territory." Laid on the table.

H. B. No. 9, "An Act for the relief of Sample Orr," was indefinitely postponed.

H. B. No. 15, "An Act in relation to staking quartz lodes," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Clem, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, and Tripp—13.

Nays—Messrs. Aiken, Billing, Dixon, Johnson, Smith, Tate, Vivion, Whitney, Williams, and Mr. Speaker—10.

Title agreed to.

C. B. No. 33, "An Act in relation to marks and brands," with House amendments, was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Garoutte, Jordan, Lowry

of Jefferson, Metlin, Poindexter, Puett, Searles, Tripp, Tate, Whitney, Williams, and Mr. Speaker—15.

Nays—Messrs. Clem, Dixon, Johnson, Lowry of Lewis and Clarke, McCabe, Ralston, Smith, and Vivion—8.

Title agreed to.

Mr. Lowry, Select Committee of One, reported back H. B. No. 41, with amendments. Amendments adopted, and ordered engrossed.

Mr. Jordan, Select Committee of One, reported back H. J. R. No. 9, with amendments. Amendments adopted, and ordered engrossed.

Mr. Poindexter, from Committee on Agriculture and Manufactures, reported back H. B. No. 52, with amendments. Report adopted.

Mr. Garoutte, from Committee on Engrossment, reported House amendments to C. B. No. 6 and H. B. No. 42, correctly engrossed.

On motion of Mr. Lowry, House adjourned to 10, A. M., tomorrow.

THIRTY-FOURTH DAY.

January 6, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.
Roll called—all present.

Prayer by the Chaplain.

Mr. Searles was called to the chair.

Minutes of yesterday read and approved.

Mr. Vivion presented a petition from citizens of Gallatin County.

Mr. Speaker resumed the chair.

Mr. Poindexter presented a petition from citizens of Beaver

Head County, in relation to changing the county seat. Referred to Committee on Towns and Counties.

Mr. Tate presented a petition from citizens of Gallatin County, in relation to changing the county seat. Referred to Committee on Towns and Counties.

Mr. Searles, from Committee on Enrolment, reported that he had, at 10.10, A. M., January 5, 1872, handed to the Governor, for his approval, H. B. No. 34.

H. Bs. Nos. 55 and 56 ordered enrolled.

Communication from the Council, through R. E. Arick, Chief Clerk, giving notice that C. B. No. 26, "An Act to amend the election laws of Montana Territory," and H. B. No. 50, "An Act concerning conspiracy," have been lost in the Council.

That the Council refuse to recede from its amendments to H. B. No. 18, "An Act in relation to District Attorneys," and respectfully request the House to appoint a Conference Committee thereon.

Also, that H. B. No. 33, "An Act relating to County Commissioners," with Council amendments, has passed the Council.

Also, that C. B. No. 32, "An Act concerning licenses," H. J. R. No. 7, "Authorizing the Secretary of the territory to perform certain duties," C. B. No. 41, "An Act to amend 'An Act to authorize George Roff and John A. Creighton, and their associates, to establish and maintain a toll road and bridge in Beaver Head County,'" "

C. J. M. No. 2, "In relation to school lands,"

H. B. No. 55, "An Act concerning crimes and punishment," and H. B. No. 56, "An Act to regulate proceedings in criminal cases in courts of justice of Montana Territory," have passed the Council.

Committee on Ways and Means reported back H. B. No. 30, recommending it do not pass.

Mr. Garoutte, from the Committee on Engrossment, reported H. B. No. 40 correctly engrossed.

The Judiciary Committee reported back C. B. No. 3, with majority and minority reports.

On motion of Mr. Searles, the majority report was adopted.

Mr. Johnson gave notice that he would, at some future day, introduce a bill entitled "An Act for the herding of stock in Montana Territory.

Also, a bill entitled "An Act to encourage the killing of wolves in this territory."

Council amendments to H. B. No. 33 were read, concurred in, and ordered enrolled.

Mr. Speaker appointed Messrs. Dixon, Lowry, and McCabe, a Committee of Conference, on Council amendments to H. B. No. 18.

H. J. R. No. 7 ordered enrolled.

C. B. No. 32, "An Act concerning licenses," was taken up, rules suspended, read first and second times, by its title.

Mr. Clem moved an amendment to Section 8, and to make another section. Lost.

On motion of Mr. Lowry, rules suspended, read third time, by its title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Dixon, Jordan, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tate, Vivion, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Billing, Clem, Garoutte, Johnson, Lowry of Jefferson, and Tripp—6.

Title agreed to.

C. J. M. No. 2, "In relation to school lands," was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nay—Mr. Dixon—1.

Absent, Mr. Searles.

Title agreed to.

C. B. No. 41 was taken up, read first and second times, and referred to the Committee on Roads and Highways.

A communication from the Council, through R. E. Arick, Chief Clerk, giving notice that the Council have refused to concur in House amendments to C. B. No. 6, and have recommitted said bill to the Conference Committee.

Also, that C. B. No. 39, "An Act relating to terms of Probate Court," has been indefinitely postponed.

Also, that the Council has concurred in House amendments to C. B. No. 33, "An Act in relation to marks and brands."

Also, that C. B. No. 38, "An Act to authorize the County Commissioners of Jefferson County to levy a special tax for the construction of county buildings," has passed the Council.

Amendments to H. B. No. 52, reported by the Committee on Agriculture and Manufactures, were taken up, read and adopted, and ordered engrossed.

H. B. No. 42, "An Act concerning county warrants, and for other purposes," was taken up; Mr. Jordan was called to the chair.

Mr. Speaker resumed the chair.

Bill read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Johnson, Lowry of Jefferson, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Whitney, Williams, and Mr. Speaker—18.

Nays—Messrs. Dixon, McCabe, Smith, and Vivion—4.

Absent, Mr. Lowry.

Title agreed to.

On motion of Mr. Johnson, House took a recess to 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—absent, Mr. Lowry.

Leave of absence was granted to Messrs. Garoutte and Vivion.

Mr. McCabe, from the Committee on Elections, reported back H. B. No. 4, with amendments.

Mr. Searles, from the Committee on Enrolment, reported H. Bs. Nos. 23, 38, and 45, and H. J. R. No. 7, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 23, 38, and 45, and H. J. R. No. 7.

Mr. Searles, from the Committee on Education, reported back H. B. No. 47, recommending that it pass.

H. B. No. 7, with Governor's veto message, was taken up, and postponed until Wednesday.

Mr. Searles (under previous notice) introduced H. B. No. 57, "An Act to incourage immigration."

Mr. Dixon (by consent, without notice), introduced H. B. No. 58, "An Act concerning the appropriation of moneys collected from license taxes."

Mr. Tate (under notice) introduced H. B. No. 59, "An Act to authorize the citizens of Gallatin County to change the county seat thereof.

H. B. No. 58, "Concerning the appropriation of moneys collected for license taxes," was taken up, read first and second times, rules suspended, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Messrs. Garoutte, and Vivion.

Title agreed to.

Mr. Smith, without notice, introduced H. J. M. No. 1, asking Congress to so amend the organic Act as to extend the jurisdiction of justices of the peace.

H. J. R. No. 8 was taken up, and referred to Finance Committee.

C. B. No. 38, "An Act to authorize the County Commissioners of Jefferson County to levy a special tax for the construction of county buildings," was taken up, read first and second times, and referred to the members from Jefferson County.

H. B. No. 57, "An Act to encourage immigration," was taken up, read first and second times, and referred to Committee on Education.

H. J. M. No. 1 was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poin-dexter, Puett, Ralston, Smith, Tripp, Tate, Williams, and Mr. Speaker—17.

Nays—Messrs. Clem, Dixon, Garoutte, Vivion, and Whitney—5.

Absent, Mr. Searles.

Title agreed to.

H. B. No. 59, "An Act to authorize the citizens of Gallatin County to change the county seat of said county," was taken up, read first and second times, and referred to Committee on Towns and Counties.

Communication received from Council, through R. E. Arick, Chief Clerk, giving notice that H. Bs. Nos. 8 and 25, H. B. No. 22, with Council amendments, and C. B. No. 8, have passed the Council.

Also, that H. B. No. 15 has been lost.

H. B. No. 58 ordered enrolled.

Mr. Garoutte, from Engrossment Committee, reported back H. B. No. 32, stating errors in engrossment.

On motion of Mr. Lowry, Chief Clerk was instructed to correct errors.

H. B. No. 32, "An Act providing for the collection of revenue," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Dixon, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poin-dexter, Puett, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Billing, Clem, Johnson, Ralston, and Tate—5.

Absent, Mr. Searles.

Title agreed to.

Mr. Lowry moved a reconsideration of the vote by which H. B. No. 32 passed.

On motion of Mr. Vivion, the motion to reconsider was laid on the table.

H. B. No. 47 read for information, and referred to Finance Committee.

H. B. No. 30, "An Act to provide for the publication of the laws of the Seventh Session of the Legislative Assembly of Montana," laid on the table.

H. B. No. 51, "An Act to amend an Act entitled 'An Act securing liens to mechanics and others,' approved December 30, 1864." read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Searles.

Title agreed to.

H. B. No. 36, "An Act concerning estrays," read third time, and passed by following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—Mr. Searles—1.

Absent, Mr. Lowry.

Title agreed to.

Mr. Searles, from Committee on Enrolment, reported that he handed H. Bs. Nos. 23, 38, and 45, and H. J. R. No. 7, to the Governor for his approval at 3.10 P. M.

H. Bs. Nos. 8 and 25 ordered enrolled.

H. B. No. 22, with Council amendments, was read, amendments concurred in, and ordered enrolled.

C. B. No. 8, "An Act to provide for the punishment of certain crimes named therein," read first and second times, and referred to Judiciary Committee, with instructions to report on Tuesday, at ten A. M.

Mr. Garoutte, from Committee on Engrossment, reported H. J. R. No. 9 correctly engrossed.

H. J. R. No. 9, "In relation to pay for newspapers," read third time, and passed by following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Jordan, Johnson, Lowry of Jefferson, Poindexter, Puett, Searles, Smith, Tripp, Vivion, Whitney, and Williams—16.

Nays—Messrs. Garoutte, Lowry of Lewis and Clarke, Metlin, Ralston, Tate, and Mr. Speaker—7.

Title agreed to.

On motion of Mr. Searles, House took recess to six P. M.

SIX O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—absent, Messrs. Bass, Metlin, and Tripp.

Mr. Searles, from Committee on Enrolment, reported H. Bs. Nos. 8 and 22 correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 8 and 22.

Mr. Garoutte, from Committee on Engrossment, reported H. Bs. Nos. 21 and 40 correctly engrossed.

Mr. Williams, from Committee on Towns and Counties, reported back H. B. No. 39, with amendments, recommending it pass as amended.

Mr. Smith gave notice, that on Monday he would introduce a bill for "An Act to provide for the compensation of A. M. S. Carpenter, for services rendered the territory of Montana."

Communication received from Council, through R. E. Arick, Chief Clerk, giving notice that C. C. R. No. 9, H. B. No. 6, with Council amendments, H. B. No. 32, and C. Bs. Nos. 47 and 48, have passed the Council.

C. J. R. No. 9, "In relation to appointment of Territorial Treasurer," was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Poindexter, Puett, Ralston, Searles, Vivion, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Lowry of Lewis and Clarke, Smith, and Tate—3.
Absent, Messrs. Bass, Metlin, and Tripp.

Title agreed to.

C. B. No. 47, "An Act concerning last wills and testaments," was taken up, rules suspended, read first and second times, by title, and referred to Select Committee of Three—Johnson, Searles, and Smith.

C. B. No. 48, "An Act relative to executors and administrators," was taken up, rules suspended, read first and second times, by title, and referred to same committee as C. B. No. 47.

H. B. No. 32 ordered enrolled.

H. B. No. 6, with Council amendments, referred to Committee on Education.

C. B. No. 3, "An Act to repeal an Act to amend 'An Act to provide increased compensation to the officers of the territory,' approved January 16, 1869," was taken up.

Communication received from Council, through R. E. Arick, Chief Clerk, giving notice that C. Bs. Nos. 15 and 44 had passed the Council.

Mr. Jordan was called to the chair.

On motion of Mr. Aiken, the further consideration of C. B. No. 3 was postponed until Monday.

C. B. No. 4, with House amendments, was taken up, amendments read, adopted, and ordered engrossed.

On motion of Mr. Ralston, House adjourned until 10 A. M., Monday.

THIRTY-SIXTH DAY.

January 8, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.
Roll called.

Prayer by the Chaplain.

The minutes of Saturday read and approved.

Mr. Dixon was granted leave of absence for the day.

Communication received from the Governor, through G. Calla-

way, Private Secretary; read, and referred to Committee on Immigration.

Mr. Searles, from Joint Committee on Enrolment, reported H. Bs. Nos. 33 and 58, and C. B. No. 31, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 33 and 58.

Mr. Lowry, from Judiciary Committee, reported back C. B. No. 8, recommending it be indefinitely postponed.

Mr. Searles, from Committee on Education, reported back H. B. No. 6, recommending that the House concur in Council amendments.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 41, and House amendments to C. B. No. 4, correctly engrossed.

Mr. Smith, from Committee on Territorial Affairs, reported back H. B. No. 53, recommending it pass.

Mr. Ralston reported back C. B. No. 13 with amendments.

Also, C. B. No. 41, recommending it pass.

Mr. Searles reported back H. B. No. 57, recommending it pass.

Mr. Williams, from Committee on Towns and Counties, reported back H. B. No. 59, without recommendation.

Mr. Speaker gave notice that he had signed C. B. No. 31.

Mr. Jordan, from Committee on Ways and Means, reported back petition from Missoula County without recommendation.

Mr. Lowry, from Jefferson Delegation, reported back C. B. No. 38, recommending it pass.

Mr. Jordan, from Jefferson Delegation, reported back C. B. No. 38 with amendments.

Mr. Searles, from Committee on Enrolment, gave notice that at 10.25 A. M. he had handed H. Bs. Nos. 8 and 22 to the Governor, for his approval.

Mr. Vivion introduced H. B. No. 60—"An Act to provide for extra compensation to the District Court Judges of the several districts of the territory of Montana."

Mr. Ralston (by consent, without notice), introduced H. B. No. 61—"An Act to provide for the redemption of the funded debt of Lewis and Clarke County."

Mr. Poindexter introduced H. B. No. 62—"An Act to author-

ize the citizens of Beaver Head County to change the county seat of said county.

Mr. Smith (under notice) introduced H. B. No. 63—"An Act to provide for the compensation of A. M. S. Carpenter, for services rendered the territory of Montana."

Mr. Bass (by leave, without notice), introduced H. B. No. 64—"An Act for the relief of Missoula County."

H. B. No. 53 ordered engrossed.

Communication received from Council, giving notice that the Governor had returned to the Council, without his approval, C. B. No. 14, "For the relief of N. Dickinson," and that the Council had passed the same over the Governor's veto by a vote of more than two-thirds of the members of the Council.

Mr. Lowry moved a call of the House.

Roll called—absent, Mr. Johnson.

The Sergeant-at-arms reported Mr. Johnson in seat.

On motion of Mr. Searles, further call was suspended.

H. B. No. 57—"An Act to encourage immigration," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Lowry of Jefferson, Poin-dexter, Ralston, Searles, Tate, Vivion, Williams, and Mr. Speaker—11.

Nays—Messrs. Clem, Garoutte, Jordan, Johnson, McCabe, Metlin, Puett, Smith, Tripp, and Whitney—10.

Absent, Messrs. Dixon, and Lowry of Lewis and Clarke.

Title agreed to.

Communication received from the Governor, through Mr. Callaway, Private Secretary, giving notice that he had signed H. Bs. Nos. 34 and 38, and H. J. R. No. 7.

The Governor's veto message on C. B. No. 14, "Allowing compensation to N. Dickinson," was read, and on the question "Will the House, on reconsideration, agree to pass the bill?" being put, the ayes and nays were called, resulting as follows:—

Ayes—Messrs. Aiken, Bass, Billing, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Puett, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Clem, Garoutte, Poindexter, and Ralston—4.
Absent, Messrs. Dixon and Searles.

Having obtained the votes of more than two-thirds of the members of the House, the bill passed, the objections of the Governor to the contrary notwithstanding.

H. B. No. 6, "An Act to provide for a system of common schools," with Council amendments, was taken up.

On motion of Mr. Jordan, House concurred in Council amendments. Ordered enrolled.

H. B. No. 40, "An Act concerning certain powers, duties, and fees of the Secretary of the territory," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, and Whitney—18.

Nays—Messrs. Williams, and Mr. Speaker—2.

Absent, Messrs. Dixon, Lowry, and Smith.

Title agreed to.

H. B. No. 64 read first and second times, and referred to Select Committee, consisting of Messrs. Bass, Ralston, and Johnson.

H. B. No. 60 read first and second times, and referred to Select Committee, consisting of Messrs. Clem, Lowry, and Vivion.

H. B. No. 61, "An Act to provide for the redemption of the funded debt of Lewis and Clarke County," was taken up, read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Dixon.

Title agreed to.

H. B. No. 62 was taken up, read first and second times, and referred to Select Committee of the members from Beaver Head County.

H. B. No. 63 was taken up, read first and second times, and referred to Committee on Education.

On motion of Mr. Searles, House took a recess to 2 P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—all present.

Mr. Searles, from Joint Committee on Enrolment, reported C. J. M. No. 2 correctly enrolled.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 52 correctly engrossed.

Mr. Searles, from Committee on Enrolment, reported that at 12.30, P. M., he had handed H. Bs. Nos. 33 and 38 to the Governor for his approval.

Mr. Speaker gave notice that he had signed C. J. M. No. 2.

Mr. Searles offered the following:

Resolved, That the Chief Clerk of this House be authorized to employ an assistant. Adopted.

Mr. Dixon offered the following:

Resolved by the House, That all committees having bills referred to them be instructed to report all such bills back to the House by to-morrow, January 9, 1872, at 10 o'clock, A. M. Adopted.

C. B. No. 44, "An Act declaring offices vacant upon certain conditions," was taken up, read first and second times, rules suspended, read third time, and lost by the following vote:—

Ayes—Messrs. Bass, Jordan, Lowry of Jefferson, Metlin, Puett, Ralston, Searles, Tripp, Tate, and Mr. Speaker—10.

Nays—Messrs. Aiken, Billing, Clem, Dixon, Garoutte, Johnson, Lowry of Lewis and Clarke, McCabe, Poindexter, Smith, Vivion, Whitney, and Williams—13.

C. B. No. 3, "An Act to repeal an Act entitled 'An Act to provide increased compensation to officers in this territory,' approved January 16, 1869," was taken up.

On motion of Mr. Lowry, indefinitely postponed.

C. B. No. 25, "An Act to provide for the registry of births and deaths," was taken up, read first and second times, and indefinitely postponed.

Mr. Whitney gave notice that he would, on to-morrow, or some future day, introduce a bill entitled "An Act to provide against the evils resulting from the sale of intoxicating liquors in Montana Territory."

C. B. No. 8, "An Act to provide for the punishment of certain crimes named therein," was taken up, read first and second times, and indefinitely postponed.

C. B. No. 38, with reports of committee to which it was referred (one report by Mr. Lowry, recommending its passage without amendments, and one by Mr. Jordan, with amendments, recommending it pass as amended), was taken up and read.

The report and amendments of Mr. Jordan were adopted, and amendments ordered engrossed.

Mr. Johnson, from select committee on C. B. No. 47, reported the bill back, recommending it pass, read third time, and passed by following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

Mr. Johnson, from select committee on C. B. No. 48, reported bill back to the House, and recommended it do not pass. The bill was read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—Mr. Johnson—1.

Absent, Mr. Smith.

Title agreed to.

H. Bs. Nos. 36 and 49, and H. J. R. No. 9, ordered enrolled.

C. B. No. 43, "An Act to provide compensation for the Code Commissioners," was taken up, read first and second times, and referred to Finance Committee.

C. B. No. 30, "An Act to divide the counties of this territory into revenue districts," was read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

Communication received from Council, through R. E. Arick, Chief Clerk, giving notice that C. Bs. Nos. 30, 43, 49, 50, C. J. R. No. 10, H. Bs. Nos. 36 and 49, and H. J. R. No. 9, have passed the Council, and that C. Bs. Nos. 16 and 40 have been indefinitely postponed.

C. B. No. 50, "An Act to amend an Act entitled 'An Act relative to elections,'" was taken up, read first and second times, and referred to Judiciary Committee.

C. J. R. No. 10, "To pay A. V. Corry," was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Poindexter, Smith, Tripp, Tate, Vivion, Williams, and Mr. Speaker—16.

Nays—Messrs. Dixon, Jordan, Metlin, Puett, Ralston, Searles, and Whitney—7.

Title agreed to.

C. B. No. 49, "An Act relating to counties and county officers," was taken up, read first and second times, and referred to Judiciary Committee.

The Engrossing Committee were instructed to report back H. B. No. 53 at 10 A. M., to-morrow.

On motion of Mr. Johnson, House adjourned to 10 A. M., to-morrow.

THIRTY-SEVENTH DAY.

January 9, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.
Roll called.

Absent, Messrs. Lowry of Lewis and Clarke, McCabe, and Smith.

Prayers from the Chaplain.

Minutes of yesterday read and approved.

Mr. Searles, from the Committee on Enrolment, reported C. B. No. 33 and H. B. No. 25 correctly enrolled.

Mr. Ralston presented a petition from the citizens of Lewis and Clarke, protesting against the dismemberment of that county. Read, and referred to the Committee on Towns and Counties.

Mr. Searles, from Committee on Enrolment, reported H. J. R. No. 9 correctly enrolled.

Mr. Speaker gave notice that he had signed H. B. No. 25, H. J. R. No. 9, and C. B. No. 33.

Mr. Puett, from Finance Committee, reported back C. B. 43, with amendments, recommending it pass, as amended.

Mr. Puett, from Finance Committee, reported back H. B. No. 47, with amendments. Also, H. J. R. No. 8, recommending it do not pass.

Communication from the Governor, through Callaway, Private Secretary, announcing that he had approved H. B. No. 33 and H. B. No. 58.

Mr. Searles, from Committee on Education, reported back H. B. No. 63, recommending its passage.

Mr. Dixon, from Judiciary Committee, reported back C. Bs. Nos. 49 and 50, recommending they do pass.

Mr. Clem, from Select Committee, reported back H. B. No. 60, recommending it do not pass.

Messrs. Lowry and Vivion, from same Committee, reported, recommending that the bill do pass.

Mr. Poindexter reported back H. B. No. 62, recommending it pass.

Mr. Metlin reported on same bill, recommending it do not pass.

C. B. No. 13, "Relating to roads, cartways, and bridges," with amendments of Committee on Roads and Highways—and amendments ordered engrossed.

C. B. No. 50, "An Act to amend an Act entitled 'An Act relative to election,'" read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Searles, Tripp, Vivion, Whitney, and Williams—18.

Nays—Messrs. Lowry of Lewis and Clarke, Ralston, Smith, Tate, and Mr. Speaker—5.

Title agreed to.

Mr. Searles, from Committee on Enrolment, gave notice that at 10.45, A. M., he handed to the Governor for his approval, H. B. No. 25 and H. J. R. No. 9.

H. B. No. 39, with amendments, was taken up, and referred to Lewis and Clarke delegation.

Communication from the Governor, through Callaway, Private Secretary, explaining his reasons for appointing R. O. Hickman Territorial Treasurer.

Communication from the Council, through Arick, Chief Clerk:—"I am instructed by the Council to inform your honorable body, that C. J. R. No. 12, 'To pay G. H. Clarke and Thomas Lloyd,' C. J. R. No. 11, 'In relation to essays on resources of Montana,' H. B. No. 29, 'For relief of Louis McMurtry,' have passed the Council."

C. J. R. No. 11 read first and second times.

Mr. Johnson moved to strike out the word "five," in the first line, and insert "two hundred and fifty," in lieu thereof. Lost.

On motion of Mr. Dixon, made special order for 2, P. M.

H. B. No. 60, with reports of Special Committee, was taken up, and, on motion of Mr. McCabe, reports and bill indefinitely postponed.

H. B. No. 63, "An Act for the relief of A. M. S. Carpenter," read third time, and lost.

H. B. No. 47, with amendments of Finance Committee, read, and amendments adopted. Ordered engrossed.

H. J. R. No. 8, "In relation to copying journals," was indefinitely postponed.

On motion of Mr. Lowry of Lewis and Clarke, House took a recess till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—all present.

Resignation of K. D. D. Wright as Fireman of this House was tendered and accepted, and the Chief Clerk instructed to give a certificate to said Wright for services to date.

On motion of Mr. Lowry of Lewis and Clarke, the Sergeant-at-Arms was instructed to procure the services of a Fireman.

C. B. No. 43, with amendments of Finance Committee, was taken up, amendments considered and adopted, rules suspended, amendments engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Searles, Smith, Tripp, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—Messrs. Ralston and Tate—2.

Title agreed to.

H. B. No. 41 "An Act creating the office of county attorney, and repealing certain Acts," was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Billing, Clem, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, Puett, Ralston, Searles, Tate, Vivion, Whitney, and Mr. Speaker—12.

Nays—Messrs. Aiken, Bass, Dixon, Garoutte, Jordan, McCabe, Metlin, Poindexter, Smith, Tripp, and Williams—11.

Title agreed to.

Mr. Searles, from Joint Committee on Enrolment, reported H. B. No. 36 correctly enrolled.

H. B. No. 53, "An Act to change the seat of government of the territory of Montana."

Mr. Jordan was called to the chair.

Mr. Speaker resumed the chair.

Communication received from the Council, through Arick, Chief Clerk:—

“MR. SPEAKER:—I am instructed by the Council to inform your honorable body, that H. B. No. 42, ‘An Act concerning county warrants,’ with Council amendments thereto, C. J. R. No. 13, ‘To pay G. F. Cope for printing,’ H. B. No. 54, ‘To legalize acts of certain officers of Gallatin County,’ H. B. No. 61, ‘To provide redemption of funded debt of Lewis and Clarke County,’ have passed the Council.

“Also, that the Governor has vetoed C. B. No. 29, ‘In relation to rights of litigants,’ and that the Council has passed the same, notwithstanding the objections of the Governor.”

On motion of Mr. Vivion, further consideration of H. B. No. 53 was postponed until 10, A. M., to-morrow.

C. B. No. 29, returned by the Governor without his approval, was taken up, and postponed until 7, P. M., this evening.

Mr. Searles gave notice that he had drawn on the Territorial Auditor for twenty-four dollars, in favor of G. R. Crane, for services as Assistant Enrolling Clerk.

On motion of Mr. Searles, House took a recess until 7, P. M.

SEVEN O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called.

Absent, Mr. Lowry of Lewis and Clarke.

Mr. Searles, from Joint Committee on Enrolment, reported C. J. R. No. 10, C. Bs. Nos. 30, 32, and 43, and H. Bs. Nos. 29 and 49, correctly enrolled.

Mr. Speaker gave notice that he had signed C. J. R. No. 10, C. Bs. Nos. 30, 32, and 43. Also, H. Bs. 29 and 49.

H. Bs. Nos. 54 and 61 ordered enrolled.

Mr. Bass, from Select Committee on H. B. No. 64, reported back with amendment.

Mr. Aiken moved a reconsideration of the vote by which C. B. No. 44 was lost. Carried, and referred to Select Committee, consisting of Messrs. Johnson, Dixon, and Ralston.

Mr. Whitney introduced H. B. No. 65, "An Act to provide against the evils resulting from the sale of intoxicating liquors in the territory of Montana.

Mr. Vivion introduced H. B. No. 66, "An Act to amend an Act entitled 'An Act relating to counties and county officers,' approved February 9, 1865."

Mr. Bass introduced H. J. R. No. 10, "Granting the Governor certain powers."

Mr. Searles moved a reconsideration of the vote by which H. B. No. 63 was lost. Carried, and on the question, "Shall the bill pass," resulted as follows:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Johnson, Lowry of Jefferson, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Dixon, McCabe, Metlin, Tate, and Vivion—5.
Absent, Mr. Lowry of Lewis and Clarke.

Title agreed to.

C. B. No. 29, with Governor's veto message, was taken up.

Mr. Jordan moved the bill be reconsidered. Carried.

On the question, "Will the House, on reconsideration, agree to pass the bill," Mr. Johnson moved a call of the House.

Roll called—absent, Mr. Lowry of Lewis and Clarke.

Sergeant-at-Arms instructed to bring in the absentee.

Mr. Lowry was announced in his seat.

Call of the House suspended.

The yeas and nays were ordered to be called on C. B. No. 29, and resulted as follows:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, and Williams—22.

Nays—Mr. Speaker—1.

Having received more than two-thirds of the votes cast, the Speaker declared the bill passed, the veto of the Governor to the contrary notwithstanding.

H. B. No. 8, with Governor's veto, was taken up.

Mr. Jordan moved a reconsideration of the bill. Carried.

On the question, "Will the House, on reconsideration, agree

to pass the bill," the ayes and nays were called, resulting as follows:—

Ayes—Messrs. Clem, Jordan, Johnson, McCabe, Poindexter, Tate, and Whitney—7.

Nays—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Lowry of Lewis and Clarke, Lowry of Jefferson, Metlin, Puett, Ralston, Searles, Smith, Tripp, Vivion, Williams, and Mr. Speaker—16.

And the bill was lost.

H. B. No. 52, "An Act to amend 'An Act relating to stations,'" was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, Metlin, Poindexter, Tripp, Tate, Whitney, and Williams—16.

Nays—Messrs. McCabe, Puett, Ralston, Searles, Vivion, and Mr. Speaker—6.

Absent, Mr. Smith.

Title agreed to.

On motion of Mr. Williams, the Select Committee to whom was referred C. B. No. 44, be instructed to report bill back at 10, A. M., to-morrow.

H. B. No. 42, with Council amendments, was taken up, and Council amendments concurred in, and ordered enrolled.

On motion of Mr. Jordan, House adjourned to 10, A. M., to-morrow.

THIRTY-EIGHTH DAY.

January 10, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

H. B. No. 53, "An Act to change the seat of government of the territory of Montana," read third time, and indefinitely postponed.

Communication from the Council, through Mr. Arick, Chief Clerk :—

"Mr. Speaker, I am instructed by the Council to inform your honorable body that H. B. No. 41, 'An Act creating the office of County Attorney, and repealing certain Acts,' has passed the Council.

"Also, that C. B. No. 16, 'An Act to establish the fees of the clerks of the Supreme Court,' and H. B. No. 52, 'An Act to amend "An Act concerning stallions,"' have been indefinitely postponed.

"Also, that C. J. M. No. 5 has passed the Council."

Mr. Searles gave notice that he had yesterday, at 9, P. M., handed to the Secretary of the Governor, at the Executive Office, H. Bs. Nos. 29, 36, and 49, for the Governor's approval.

Mr. Searles, from Joint Committee on Enrolment, reported C. B. No. 50 correctly enrolled.

Mr. Johnson, from Select Committee, reported back C. B. No. 44, with amendments.

Mr. Johnson, from Select Committee, reported back, with amendments, C. J. R. No. 11, recommending its passage.

C. J. M. No. 5 was read first and second times, rules suspended, read third time, and passed by the following vote :—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Jordan, Johnson, Lowry of Jefferson, Metlin, Poindexter, Puett, Searles, Tripp, Tate, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Dixon, Lowry of Lewis and Clarke, McCabe, Balston, and Vivion—5.

Mr. Garoutte, from Engrossment Committee, reported H. Bs. Nos. 13 and 38 correctly engrossed.

C. B. No. 13, with House amendments, was taken up, rules suspended, read third time, and lost by the following vote :—

Ayes—Messrs. Aiken, Bass, Dixon, Garoutte, Metlin, Smith, Vivion, and Williams—8.

Nays—Messrs. Billing, Clem, Jordan, Johnson, Lowry of

Jefferson, McCabe, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Whitney, and Mr. Speaker—14.

C. B. No. 38, with House amendments, was taken up, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Billing, Clem, Dixon, Garoutte, Jordan, McCabe, Poindexter, Tripp, Tate, Whitney, and Williams—12.

Nays—Messrs. Bass, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, Metlin, Puett, Ralston, Searles, Vivion, and Mr. Speaker—10.

Absent, Mr. Smith.

Title agreed to.

Communication from the Governor, through Callaway, Private Secretary, giving notice that he had approved H. B. No. 29.

C. J. R. No. 12, "To pay G. H. Clarke and Thomas Lloyd, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Garoutte, Johnson, Lowry of Lewis and Clarke, McCabe, Poindexter, Searles, Tripp, Vivion, and Williams—12.

Nays—Messrs. Aiken, Dixon, Jordan, Metlin, Puett, Ralston, Smith, Tate, Whitney, and Mr. Speaker—10.

Absent, Mr. Lowry of Jefferson.

Title agreed to.

C. J. R. No. 13, "To pay G. F. Cope for printing," read first and second times, and referred to Committee on Finance.

C. B. No. 49, "An Act relating to counties and county officers," read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—None.

Absent, Messrs. Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke.

Title agreed to.

C. B. No. 51, "An Act to regulate the fees of officers of certain offices," read first and second times by title, and referred to Finance Committee.

H. J. R. No. 10, "Granting the Governor certain powers," read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Lowry of Lewis and Clarke.

Title agreed to.

H. B. No. 65, "An Act to provide against the evils resulting from the sale of intoxicating liquors," read first and second times, and referred to Committee on Education.

H. B. No. 66, "An Act to amend an Act entitled 'An Act relating to counties and county officers,' approved February 9, 1865," read first time, and rejected.

H. B. No. 21, "Declaring what shall constitute a lawful fence," read third time, and lost by the following vote:—

Ayes—Messrs. Aiken, Billing, Clem, Garoutte, Metlin, Puett, Searles, Tate, Whitney, and Williams—10.

Nay—Messrs. Bass, Dixon, Jordan, Lowry of Jefferson, McCabe, Poindexter, Ralston, Tripp, Vivion, and Mr. Speaker—10.

Absent, Messrs. Johnson, Lowry of Lewis and Clarke, and Smith.

H. B. No. 64, with amendments, was taken up, and amendment adopted. Ordered engrossed.

On motion of Mr. Vivion, House took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—all present.

Mr. Searles, from Joint Committee on Enrolment, reported H. Bs. Nos. 41, 42, and 61 correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 41, 42, and 61.

Mr. Searles, from Committee on Education, reported back H. B. No. 65, recommending its passage.

Mr. Puett, from Finance Committee, reported back C. J. R. No. 13, recommending its passage.

Mr. Garoutte, from Engrossment Committee, reported H. Bs. Nos. 47 and 64 correctly engrossed.

C. B. No. 44, with House amendments, was taken up, amendments adopted, and ordered engrossed.

C. J. R. No. 11 ordered to third reading.

C. J. R. No. 13 ordered to third reading.

H. B. No. 62 ordered engrossed.

H. B. No. 65 ordered engrossed.

H. B. No. 59, "A bill for an Act to authorize the citizens of Gallatin County to change the county seat of said county." Rules suspended, read third time, by its title, and passed by the following vote:—

Ayes—Messrs. Aiken, Billing, Clem, Dixon, Jordan, Lowry of Jefferson, McCabe, Poindexter, Puett, Ralston, Tate, Whitney, Williams, and Mr. Speaker—14.

Nays—Messrs. Bass, Garoutte, Johnson, Metlin, Tripp, and Vivion—6.

Absent, Messrs. Lowry of Lewis and Clarke, Searles, and Smith.

Title agreed to.

H. B. No. 64, "An Act for the relief of Missoula County."

A call of the House was moved and carried.

Roll called—absent, Mr. Smith.

Call of the House suspended.

Bill read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Dixon, Garoutte, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Searles, Tripp, Vivion, Whitney, and Williams—14.

Nays—Messrs. Billing, Clem, Jordan, Lowry of Lewis and Clarke, Puett, Ralston, Tate, and Mr. Speaker—8.

Absent, Mr. Smith.

Title agreed to.

Mr. Searles gave notice that at 3 o'clock to-morrow he would

move a reconsideration of the vote on C. B. No. 4, "Relating to elections." Read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—Messrs. Clem and Metlin—2.

Absent, Mr. Lowry of Lewis and Clarke.

Title agreed to.

Mr. Johnson moved a reconsideration of the vote by which H. B. No. 64 was passed.

Mr. McCabe moved to indefinitely postpone the motion.

Call of the House was ordered.

Roll called—absent, Mr. Lowry of Jefferson.

Sergeant-at-Arms ordered to bring in absentee.

Sergeant-at-Arms reported Mr. Lowry in his seat.

Mr. McCabe moved the previous question, and was seconded.

Communication from the Council, through Mr. Arick, Chief Clerk:—

"Mr. Speaker, I am instructed by the Council to inform your honorable body that H. B. No. 26, "An Act to amend 'An Act defining the Council and Representative Districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof,' has passed the Council, with amendments.

"Also, that H. J. R. No. 1, 'Granting the Governor certain powers,' H. J. M. No. 1, 'In relation to extending the jurisdiction of Justices of the Peace,' C. J. M. No. 3, 'In relation to the Montana war debt,'

"Also, C. B. No. 54, 'An Act to change the name of Dawson County to that of Stevens County,' and C. C. R. No. 15, have passed the Council."

Mr. Searles, from Committee on Enrolment, reported that he had handed H. Bs. Nos. 41, 42, and 61, to the Governor for his approval at 2.30, P. M.

Mr. Searles gave notice that he would, at 3, P. M., to-morrow, move a reconsideration of the vote by which the previous question was secured.

On motion of Mr. Ralston, House took a recess to 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—all present.

Mr. Searles, from Enrolment Committee, reported H. Bs. Nos. 32 and 54 correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 32 and 54.

H. J. R. No. 10, and H. J. M. No. 1 ordered enrolled.

C. J. R. No. 13 was taken up, rules suspended, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

Mr. Garoutte, from Engrossment Committee, reported H. B. No. 62, and House amendments to C. B. No. 44, correctly engrossed.

Communication from the Council, through Mr. Arick, Chief Clerk:—

“Mr. Speaker, I am instructed by the Council to inform your honorable body that C. C. R. No. 14 was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, and Mr. Speaker—18.

Nays—Messrs. Billing, McCabe, Metlin, Searles, and Williams—5.

Title agreed to.

C. J. M. No. 3 read first and second times, and, on motion of Mr. Johnson, rules were suspended, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Jordan, Johnson, Lowry of Lewis and Clarke, McCabe, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Aiken, Dixon, Garoutte, Lowry of Jefferson, Metlin, and Vivion—6.

Title agreed to.

C. B. No. 54 was taken up, read first and second times.

Mr. Bass moved to amend by striking out the word "Stevens" and inserting the word "Owen." Amendment adopted, read third time as amended, and passed by the following vote:—

Ayes—Messrs. Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—Mr. Aiken—1.

Title amended by striking out the word "Stevens" and inserting the word "Owen."

H. B. No. 67 was read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Clem, Garoutte, Jordan, Lowry of Jefferson, McCabe, Puett, Ralston, Searles, Whitney, Williams, and Mr. Speaker—11.

Nays—Messrs. Aiken, Bass, Billing, Dixon, Johnson, Poindexter, Smith, Tripp, Tate, and Vivion—10.

Absent, Messrs. Lowry of Lewis and Clarke, and Metlin.

Title agreed to.

On motion of Mr. Johnson, House adjourned to 10, A. M., tomorrow.

THIRTY-NINTH DAY.

January 11, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Communication from the Council, through Mr. Arick, Chief Clerk :—

“Mr. Speaker, I am instructed by the Council to inform your honorable body that H. B. No. 40, ‘An Act concerning certain powers, duties, and fees, of the Secretary of the territory,’ H. B. No. 44, ‘An Act amendatory of “An Act relating to counties and county officers,”’ C. J. M. No. 6, ‘In relation to the Burlingame treaty,’ Also, C. B. No. 46, ‘An Act to authorize the several counties of this territory to change their county seats, on certain conditions,’ have passed the Council.

“Also, that C. B. No. 38, ‘To authorize a special tax in Jefferson County,’ Also, H. B. No. 57, ‘An Act to encourage immigration,’ have been indefinitely postponed.”

Mr. Searles, from Committee on Enrolment, reported H. J. R. No. 10 correctly enrolled.

Mr. Speaker gave notice that he had signed H. J. R. No. 10.

Mr. Garoutte, from Committee on Engrossment, reported H. B. No. 65 correctly engrossed.

Mr. Williams gave notice that this afternoon he would move a reconsideration of the vote by which H. B. No. 67 passed.

On motion of Mr. Johnson, House took a recess to 2 P. M.

TWO O’CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Searles, from Joint Committee on Enrolment, reported H. B. No. 6 and H. J. M. No. 1 correctly enrolled.

Mr. Speaker announced that he had signed H. B. No. 6 and H. J. M. No. 1.

Mr. Billing, from Lewis and Clarke County delegation, reported back H. B. No. 39, recommending it pass as amended.

Lowry, Searles, Comly, and Ralston, from same committee, reported, recommending it do not pass.

Mr. Williams moved a reconsideration of the vote by which H. B. No. 67 passed the House.

Mr. Clem moved to lay the motion on the table. Lost.
Mr. Lowry, of Lewis and Clarke, moved a call of the House.
Call of the House suspended.
Mr. Lowry, of Lewis and Clarke, moved a call of the House.
Roll called—absent, Mr. Smith.
Sergeant-at-arms reported Mr. Smith in his seat.
Call suspended.
Vote on H. B. No. 67 was reconsidered, and indefinitely postponed.

The following communication from the Governor, through Callaway, Private Secretary :

Virginia City, January 11, 1872.

To the House of Representatives.

I return to the House of Representatives H. J. R. No. 9, "In relation to pay for newspapers," without the Executive approval. This resolution provides for the same subject matter that was provided for by C. J. R. No. 1, to which the Executive interposed his objections, and the same was sustained by the House of Representatives. I have the honor to call the Legislative Assembly's attention to the Executive's objections to said C. J. R. No. 1, under date of December 19, A. D. 1871. By an examination of this resolution you will find that the amount to be expended under its provisions is far in excess of the sum stated as probable expenditures under C. J. R. No. 1. The expenditures of the present session of the Legislative Assembly are without precedent in the history of the territory, and I now beg you to pause before adding new burdens to upon the people. I do not object to this resolution from any personal feeling, but because I believe it to be unjust to the people.

Respectfully,

B. F. POTTS,
Governor.

Mr. Jordan moved a reconsideration of H. J. R. No. 9. Carried.

And on the question, Will the House, on reconsideration, agree

to pass the bill? the ayes and nays were called, resulting in the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Searles, Smith, Tripp, Tate, Vivion, Whitney, and Williams—18.

Nays—Messrs. Dixon, Garoutte, Ralston, and Mr. Speaker—4.
Absent, Lowry of Lewis and Clarke.

Communication from the Governor, through Callaway, Private Secretary, announcing his approval of H. Bs. Nos. 42, 49, and 61.

On motion of Mr. Aiken, House adjourned to 10 A. M., to-morrow.

FORTIETH DAY.

January 12, 1872.

House met, pursuant to adjournment, Mr. Speaker in the chair.

Roll called—all present.

Prayer by the Chaplain.

The minutes of yesterday read and approved.

Mr. Searles reported as follows:—

“MR. SPEAKER:—I handed to the Governor, on yesterday, at 3.30, P. M., H. B. No. 6, H. B. No. 32, H. B. No. 54, H. J. M. No. 1, and H. J. R. No. 10, for his approval.”

Mr. Searles reported as follows:—

“MR. SPEAKER:—The Joint Committee on Enrolment beg leave to report that C. J. M. No. 5, C. C. R. No. 14, C. J. R. No. 12, C. B. No. 49, C. J. R. No. 13, are correctly enrolled.

Mr. Speaker announced that he had signed C. J. M. No. 5, C. C. R. No. 14, C. J. R. No. 12, C. B. No. 49, and C. J. R. No. 13.

Communication from the Council, through Arick, Chief Clerk:

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. J. M. No. 4, “In relation to a National Park,”

H. B. No. 63, "To provide compensation to A. M. S. Carpenter,"

H. B. No. 47, "To provide for statistics of Montana,"

C. B. No. 52, "To create the county of Robert Fisher," and

C. B. No. 53, "An Act to amend an Act locating the seat of government of the territory of Montana," have passed the Council; and also,

H. J. R. No. 9, notwithstanding the Governor's objections.

Also, that the Council has concurred in House amendments to C. B. No. 54, "An Act to change the name of Dawson County to Owen County," and was further amended in said bill by inserting before the word "Owen," wherever it occurred, the word "John."

C. B. No. 53, "An Act to amend an Act locating the seat of government of Montana," was taken up, and read first and second times.

Communication from the Governor, through Callaway, Private Secretary.

Communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. J. R. No. 15, "In relation to publishing laws," and H. B. No. 64, "An Act for the relief of Missoula County," and H. B. No. 59, "In relation to the county seat of Gallatin County," have passed the Council.

Mr. Jordan moved that the rules be suspended,

C. B. No. 53 be read a third time, and put on its final passage. Lost by the following vote:—

Ayes—15.

Nays—8.

Mr. Searles moved that C. B. No. 53 be read a third time.

Mr. Johnson raised a point of order, that a bill could not be read a third time on the same day, without a suspension of the rules.

Mr. Speaker submitted the following question to the House: "Can a C. B. be read three times on the same day, without a suspension of the rules?" Which was decided in the affirmative by vote of ayes, 15; nays, 8.

Mr. Johnson moved a call of the House.

Roll called—absent, Mr. Vivion.

Call suspended, absentee in his chair.

Mr. Searles moved the previous question. Seconded.

Communication from the Governor through Callaway, Private Secretary, "Regarding territorial convicts."

C. B. No. 53 read third time and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Puett, Ralston, Searles, Smith, and Williams—16.

Nays—Messrs. Metlin, Poindexter, Tripp, Tate, Vivion, Whitney, and Mr. Speaker—7.

Title agreed to.

Mr. Searles moved to reconsider the vote by which C. B. No. 53 passed.

Mr. Vivion moved to lay the motion for reconsideration on the table. Carried.

Mr. Searles, from Joint Committee on Enrolment, reported C. B. No. 4, C. B. No. 41, and H. B. No. 40, correctly enrolled.

Mr. Speaker announced that he had signed C. B. No. 4, C. B. No. 41, and H. B. No. 40.

H. B. No. 26, with Council amendments was taken up. Amendments read.

On motion of Mr. Ralston, House refused to concur in Council amendments, and asked Council to appoint a Conference Committee to act in concert with the one of the House, consisting of Messrs. Jordan, Dixon, and Lowry of Lewis and Clarke.

Mr. Jordan offered the following:—

Resolved, That the Joint Judiciary Committee be requested to report H. B. No. 35 to this House, at two o'clock this afternoon.

H. B. No. 65 was read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Clem, Jordan, Johnson, Lowry of Lewis and Clarke, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Whitney, and Mr. Speaker—14.

Nays—Messrs. Aiken, Billing, Dixon, Garoutte, Lowry of Jefferson, McCabe, Smith, Vivion, and Williams—9.

Title agreed to.

H. B. No. 39 was taken up and re-referred to Mr. Billing.

Communication from the Governor, announcing that he had signed H. Bs. Nos. 6, 25, and 32, H. J. M. No. 10, and also a

communication with correspondence of Col. John S. Loomis, Land Commissioner of the N. R. R. Co.

On motion of Mr. Johnson, House took a recess till one o'clock, P. M.

ONE O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Joint Committee on Enrolment reported H. Bs. No. 44, and 63, correctly enrolled.

Mr. Speaker announced that he had signed H. Bs. Nos. 44, and 63.

Mr. Johnson was granted leave of absence for the day.

House took a recess till two o'clock, P. M.

TWO O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Communication from the Governor, "Relating to territorial convicts," read and referred to the Committee on Territorial Affairs.

Report of Committee on Auditor and Treasurer read, and adopted unanimously.

Mr. Lowry of Lewis and Clarke, introduced H. C. R. No. 11, "Relating to adjourning." Adopted.

Mr. Searles introduced H. J. R. No. 2, "Relating to paying clerks;" read first and second times, and referred to Committee on Enrolment.

Mr. McCabe offered the following:—

Resolved, By the House of Representatives, that the thanks of this House are hereby tendered to the Hon. Harry R. Comley, for the able, efficient and impartial manner in which he has discharged the duties of Speaker of this House.

Also, that the thanks of the House are hereby tendered to the Chief Assistant, Engrossing, and Enrolling Clerks.

Also, the Sergeant-at-Arms, Door-keeper, Fireman, and Pages of this House.

Mr. Smith introduced H. J. R. No. 13, "To pay E. U. Driggs for furnishing the Hall of the House of Representatives." Read first and second times, and referred to select committee consisting of Messrs. Smith, Johnson, and Whitney.

Mr. Johnson moved a call of the House.

Roll called—absent, Messrs. Dixon, Lowry of Lewis and Clarke, Jordan, and Ralston.

Call suspended.

Mr. Searles reported H. B. No. 47 correctly enrolled.

Mr. Speaker announced that he had signed H. B. No. 47.

C. B. No. 54, with Council amendments, concurred in.

C. J. M. No. 4, "In relation to a national park," read first and second times, rules suspended, read third time, by its title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—Mr. Clem—1.

Title agreed to.

Mr. Searles, from the Enrolment Committee, reported back H. J. R. No. 12, with substitute.

A communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER.—I am instructed by the Council to inform your honorable body that C. B. No. 55, "An Act to provide increased compensation to the Justices of the Supreme Court,"

H. B. No. 65, "In relation to intemperance," and

C. J. R. No. 16, "In relation to territorial convicts," have passed the Council.

H. B. No. 65 ordered enrolled.

The Joint Committee on Enrolment reported H. B. No. 64 correctly enrolled.

Mr. Speaker announced that he had signed H. B. No. 64.

C. B. No. 52, "A bill for an Act creating the county of 'Robert Fisher,' and locating the county seat thereof," read first and second times, and referred to the Committee on Indian Affairs.

C. J. R. No. 16, "Relating to keeping, clothing, and maintaining of territorial convicts," read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, and Williams—20.

Nay—Mr. Speaker—1.

Title agreed to.

Conference Committee on H. B. No. 26, reported back with amendments.

Joint Committee on Enrolment reported C. B. No. 53, and C. J. M. No. 3 correctly enrolled.

Mr. Speaker announced that he had signed C. B. No. 53, and C. J. M. No. 3.

Mr. Jordan moved that the amendments of the Conference Committee on H. B. No. 26 be adopted. Carried.

C. B. No. 5 read first and second times.

Mr. Searles announced that at 3.05 P. M., he handed to the Governor H. Bs. Nos. 63, 64, 40, 44, and 47, for his approval.

A communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER.—I am instructed by the Council to inform your honorable body, that H. C. R. No. 11, "In relation to adjournment," has passed the Council.

C. B. No. 55 indefinitely postponed.

Committee on Territorial Affairs reported back H. J. R. No. 13, recommending it pass.

Joint Committee on Enrolment reported C. B. No. 54 correctly enrolled.

H. J. R. No. 12 read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—20.

Nays—None.

Absent, Messrs. Johnson, Lowry of Jefferson, and Smith.

Title agreed to.

Joint Judiciary Committee reported back H. B. No. 35, without recommendations.

On motion of Mr. Vivion, House took a recess to 5 o'clock, P. M.

FIVE O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. J. R. No. 17, "For the relief of L. H. Geer," has passed the Council.

C. J. R. No. 17, "For the relief of L. H. Geer," read first and second times, rules suspended, read third time, by title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, Poindexter, Puett, Searles, Smith, Whitney, and Mr. Speaker—13.

Nays—Messrs. Dixon, Garoutte, Johnson, McCabe, Metlin, Ralston, Tripp, Tate, Vivion, and Williams—10.

Title agreed to.

Mr. Searles, from Joint Committee on Enrolment, reported C. J. M. No. 4, C. Bs. Nos. 47 and 48, and H. Bs. Nos. 55 and 65, correctly enrolled.

Mr. Speaker announced that he had signed C. J. M. No. 4, C. Bs. Nos. 47 and 48, and H. Bs. Nos. 55 and 65.

C. B. No. 46 read first and second times, read third time, and passed by the following vote:—

Ayes—Messrs. Bass, Garoutte, Jordan, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Searles, Tate, Whitney, Williams, and Mr. Speaker—15.

Nays—Messrs. Aiken, Billing, Clem, Dixon, Johnson, Lowry of Jefferson, Tripp, and Vivion—8.

Title agreed to.

On motion of Mr. Aiken, House took a recess to 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House resumed—quorum present.

Communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. J. R. No. 18, "To pay clerks;" H. J. R. No. 12, "To pay clerk;" C. B. No. 58, "To refund moneys due W. G. Barkly;" C. B. No. 57, "In relation to insane," have passed the Council, and that the Council has concurred in Conference Committee report on H. B. No. 26.

H. J. R. No. 12 and H. B. No. 26 ordered enrolled.

Mr. Searles, from Joint Committee on Enrolment, reported C. J. R. No. 17 and H. B. No. 26 correctly enrolled, and that at 6.15 P. M. he had handed to the Governor H. B. No. 55, and at 6.30 P. M., H. B. No. 65, for his approval.

C. B. No. 58 read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

Communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. B. No. 39, "An Act revising, re-enacting, and codifying the general and permanent laws of Montana Territory," has passed the Council.

C. B. No. 59, rules suspended, read first, second, and third times, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, and Williams—20.

Nays—Mr. Johnson and Mr. Speaker—2.

Title agreed to.

Communication from the Council, through Callaway, Private Secretary, giving notice that he had approved H. Bs. Nos. 44, 47, 40, 64, 55, 63, and 65.

Mr. Searles announced that at 7.20 P. M. he had handed to the Governor H. B. No. 56, for his approval.

C. B. No. 57 read first and second times.

Mr. Searles, from Joint Committee on Enrolment, reported H. J. M. No. 12, C. Bs. Nos. 35 and 46, and C. J. R. No. 16, correctly engrossed.

On motion of Mr. Lowry of Lewis and Clarke, the Speaker was instructed to sign C. B. No. 35 (the civil practice act), as presented by the Enrolling Committee.

Communication from the Governor, through Private Secretary Callaway, announcing that he had signed H. B. No. 56 (the criminal practice act).

Mr. Speaker announced that he had signed H. J. M. No. 12, C. Bs. Nos. 35 and 46, and C. J. R. No. 16.

Communication from the Council, through Arick, Chief Clerk.

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that C. J. R. No. 21 has passed the Council.

C. J. R. No. 19 read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—21.

Nays—None.

Absent, Messrs. Bass and Searles.

Title agreed to.

C. J. R. No. 19 read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—22.

Nays—None.

Absent, Mr. Bass.

Title agreed to.

C. J. R. No. 15 read first and second times, rules suspended, read third time, by its title, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, McCabe, Metlin, Poindexter, Puett, Ralston, Searles, Smith, Tripp, Tate, Vivion, Whitney, Williams, and Mr. Speaker—23.

Nays—None.

Title agreed to.

H. B. No. 35 was indefinitely postponed.

H. J. R. No. 13 ordered to third reading.

Conference Committee on H. B. No. 18 reported, and were discharged.

Mr. Searles, from Committee on Enrolment, reported H. B. No. 26 correctly enrolled.

Mr. Lowry of Lewis and Clarke, presented a petition from Mary Bell.

Mr. Speaker announced that he had signed H. B. No. 26.

Communication from the Council, through Arick, Chief Clerk:

MR. SPEAKER:—I am instructed by the Council to inform your honorable body, that C. J. R. No. 20 has passed the Council.

C. J. R. No. 18 read first and second times, amended by Mr. Johnson. Amendment adopted.

Joint Committee on Enrolment reported C. Bs. Nos. 58 and 59 correctly enrolled.

Mr. Searles reported that at 8.40 P. M. he had handed H. B. No. 26, for his approval, to the Governor.

Mr. Speaker announced that he had signed C. Bs. Nos. 58 and 59.

Call of the House was ordered.

Roll called—absent, Messrs. Aiken, Bass, Billing, Clem, Puett, Whitney, and Williams.

Call suspended.

H. J. R. No. 13 read third time, and lost by the following vote:—

Ayes—Messrs. Billing, Garoutte, Jordan, Johnson, Lowry of Lewis and Clarke, Poindexter, Smith, Tripp, Vivion, and Mr. Speaker—10.

Nays—Messrs. Aiken, Clem, Dixon, Lowry of Jefferson, McCabe, Metlin, Ralston, Searles, Tate and Williams—10.

C. J. R. No. 18, with House amendments, read third time and lost by the following vote:—

Ayes—Messrs. Billing, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, Poindexter, Tripp, Vivion, and Mr. Speaker—8.

Nays—Messrs. Aiken, Clem, Dixon, Garoutte, Jordan, McCabe, Metlin, Puett, Ralston, Searles, Smith, Tate, and Williams—13.

Absent, Messrs. Bass and Whitney.

On motion of Mr. Johnson, House took a recess till 10 P. M.

TEN O'CLOCK, P. M.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Garoutte, from Engrossing Committee, reported House amendments to C. J. R. No. 20 correctly engrossed.

Mr. Lowry, of Jefferson, introduced H. J. R. No. 14, "In relation to paying clerks."

Mr. Searles, from Enrolment Committee, reported C. J. Rs. Nos. 15, 19, and 21, correctly enrolled.

Mr. Speaker announced that he had signed C. J. R. No. 19, C. J. R. No. 15, and C. J. R. No. 21,

Communication from the Governor, announcing that he had signed H. B. No. 26, and H. J. R. No. 12.

Minutes of the day, to ten o'clock, P. M., read and approved.

C. J. R. No. 20, with House amendment, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Garoutte, Johnson, Lowry of Jefferson, Lowry of Lewis and Clarke, Puett, Smith, Tripp, Tate, Vivion, Whitney, and Mr. Speaker—15.

Nays—Messrs. Dixon, Jordan, McCabe, Metlin, Poindexter, Ralston, and Williams—7.

Title agreed to.

Mr. Lowry, of Lewis and Clarke, offered the following resolution, which was unanimously adopted:—

Resolved, By the House of Representatives, that the thanks of this House are hereby tendered to his Excellency, Hon. Benjamin F. Potts, for the unfailing courtesy with which he has performed his official duties, and conducted his official intercourse with this legislative body.

Mr. Smith offered the following; which was unanimously adopted:—

Be it resolved by the House of Representatives, That the thanks of this House are cordially tendered to the Hon. James E. Callaway, Secretary of this territory, for furnishing the members of this House with so pleasant and commodious a room in which to hold their session, as well as for other favors and kindnesses tendered to the House during this session.

C. J. M. No. 6, "Relating to the Burlingame Treaty," read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Aiken, Bass, Billing, Clem, Dixon, Garoutte, Jordan, Johnson, Lowry of Jefferson, McCabe, Poindexter, Puett, Smith, Tripp, Whitney, Williams, and Mr. Speaker—17.

Nays—Messrs. Lowry of Lewis and Clarke, Metlin, Ralston, Tate, and Vivion—5.

Title agreed to.

House took a recess of twenty minutes.

House resumed, Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Searles offered the following:—

Resolved, That a committee of three be appointed to wait upon his Excellency, the Governor, to ascertain whether he has any further communications to make to the House of Representatives.

Messrs. Searles, Johnson, and McCabe, were appointed as such committee.

Mr. Searles, from Committee to wait on the Governor, reported, and were discharged.

The hour of 11.50 P. M., having arrived, the Speaker's hammer fell, and he declared the House adjourned *sine die*.

We hereby certify the foregoing pages, from page one (1) to page 142 inclusive, contain a true and complete journal of the proceedings of the House of Representatives, of the Seventh (7th) Legislative Assembly of the Territory of Montana.

HARRY R. COMLEY,

Speaker of House of Representatives.

BEN. EZEKIEL,
Chief Clerk.

SECRETARY'S OFFICE, MONTANA TERRITORY, }
Virginia City, August 1, 1872. }

I, James E. Callaway, Secretary of the Territory of Montana, do hereby certify that the foregoing Journal of the House of Representatives of the Seventh Legislative Assembly of said Territory, is a full and correct copy of the original Journal now in my office.

[SEAL.]

In testimony whereof, I have hereunto set my hand, and affixed the seal of said Territory, the day and year above written.

JAS. E. CALLAWAY,

Secretary.

